Calendar No. 2126

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2103

HAZEL ELIZABETH SCOTT

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2827]

The Committee on the Judiciary, to which was referred the bill (S. 2827) for the relief of Hazel Elizabeth Scott, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Hazel Elizabeth Scott. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 28-year-old British subject born in Calcutta, India, who was orphaned at 2 months of age. She was raised and educated by a United States citizen who was in India as a missionary, although she was never legally adopted. The beneficiary entered the United States at New York on May 23, 1955, as a visitor and has been caring for her foster mother who is now 81 years old and physically infirm.

A letter, with attached memorandum, dated March 9, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 9, 1956.

CHAIRMAN, COMMITTEE ON THE JUDICIARY,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2827) for the relief of Hazel Elizabeth Scott, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Buffalo, N. Y., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for India.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HAZEL ELIZABETH SCOTT, BENEFICIARY OF S. 2827

The beneficiary was born February 10, 1928, at Calcutta, India, and is a British subject. She is unmarried and resides in Amsterdam, N. Y., with one Miss Arminta Evans, a citizen of the United States, about 80 years of age, and a retired missionary. Miss Scott was orphaned at the age of 2 months at which time Miss Evans, without judicial authority, assumed custody and support which has continued to the present time.

Miss Scott is unemployed and has no source of income. Her assets consist of a return steamship ticket with a refund value of about $160. She is dependent upon Miss Evans, a semi-invalid, for subsistence, in return for which she administers to her needs. It it also reported that some financial assistance is rendered the beneficiary by friends of her benefactor. Miss Evans receives a monthly pension of $60.

The beneficiary was admitted to the United States at New York, N. Y., on May 23, 1955, as a visitor for pleasure to November 22, 1955. An application for an extension of stay was denied and she was given until November 28, 1955, to depart voluntarily. Deportation proceedings were instituted and on January 26, 1956, Miss Scott was found deportable on the charge that she failed to comply with the conditions of her status as a visitor for pleasure. She was granted the privilege of departing voluntarily from the United States, but to date has not availed herself of that privilege.

Senator Irving M. Ives and Senator Andrew F. Schoeppel, the authors of the bill, have submitted the following information in connection with the case:

STATE OF NEW YORK,
SUPREME COURT CHAMBERS,
Amsterdam, N. Y., January 17, 1956.

Hon. IRVING M. IVES,
United States Senator,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I was very happy to see that S. 2827 had been introduced in the Senate.

In support of this bill for the relief of Hazel Elizabeth Scott I wish to state that in my opinion the case of Miss Scott is most worthy of the relief afforded by this legislation. This young lady, who stands in the relationship of daughter to Miss Armintia Evans, a retired American missionary of the age of 81, has been with Miss Evans since about the age of 2 months and has recently accompanied Miss Evans on the latter's return to her native land. Because of the age and infirmities of Miss Evans, it is necessary for her to have the care and attention which only such a devoted foster daughter can most readily give her.

Miss Scott was educated in mission schools in India through the high-school curriculum, and has also had some commercial and also nurse's training. She is a refined, alert, intelligent young woman, ambitious to take advantage of the opportunities which America can offer her. I can see no reason why her permanent residence in this country would be detrimental in any way, and in fact believe that she will be an honorable, useful, reliant, self-supporting member of our society.

It gives me great pleasure to recommend Miss Scott and to urge the passage of bill S. 2827 for her relief.

With deep appreciation for your efforts, and kindest personal regards, I am,

Sincerely yours,

FELIX J. AULISI.

AMSTERDAM, N. Y.,
January 19, 1956.

Senator IRVING M. IVES,
Senate Office Building, Washington, D. C.

DEAR SENATOR IVES: Regarding Hazel Elizabeth Scott, for whose permanent residence you and Senator Schoeppel have introduced bill S. 2827, I am very glad to write a letter of recommendation.

I have come to know Hazel quite intimately since she came to the United States, and to Amsterdam, last May. Before that I knew her by correspondence, and have heard of her since she was a tiny child.

Although born in Calcutta, Hazel's native tongue is English and her training American since she was brought up in a Methodist missionary boarding school. Therefore, she is making a smooth transition to American life. She should be a very useful citizen since she is a graduate of a business school in India, and for several years was employed in London in the British Civil Service. At present she is getting back her speed in typing and shorthand at the local adult evening school. She has also had 2½ years of training in nursing at a London hospital. Her long-range ambition is to complete that training at a nursing school which will also give her a college degree.

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However, the situation that makes it imperative for Hazel to stay here in the United States is the care of an 81-year-old retired missionary, Miss Armintia M. Evans, who has been a mother to Hazel ever since she was 2 months old. Miss Evans is totally housebound and at times bedridden, and has no one else to care for her physically or financially. The care of her may be a long-term assignment. Neither one has anyone else to whom to turn.

Hazel Elizabeth Scott is a young woman of fine Christian standards with ambition, perserverence, and willingness to work. I feel that she is entirely deserving of all you can do to grant her permanent residence in this country. May I also say that her friends here, of whom there is now quite a large circle, will be deeply grateful to you, Senator Ives, and to all others who help to bring this about.

Perhaps I should say that for many years I have taught young people in the Amsterdam High School and am at present a vice president of the Amsterdam Council of United Church Women. Comparing her with both my teen-agers and with mature people, Hazel Elizabeth Scott rates very well.

Very truly yours,

ELLEN M. SCOTT.

RIDGEWOOD, N. J., *January 17, 1956.*

To Whom It May Concern:

I am a friend of Miss Hazel E. Scott. I have known about her for more than 20 years. I have visited in her home in India when she was a little girl. Recently she has visited in my home and I have had a good opportunity to know her intimately.

She has a pleasing personality and is most kind and thoughtful. She is much needed by her foster mother.

I feel she has all the qualities needed to make her a good and useful citizen of our country. I cannot recommend her too highly.

Very truly yours,

(Miss) BESSIE M. WHITE.

SCHENECTADY, N. Y., *January 23, 1956.*

Senator IRVING M. IVES,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: Miss Hazel E. Scott is a young woman whom I am happy to recommend to you as one worthy of obtaining permanent residence here in the United States.

Her good character and moral habits, her several abilities, and her fine Christian testimony would make her, I know, an asset to our country.

Very truly yours,

JANE PAUL.

WOMAN'S UNION MISSIONARY SOCIETY OF AMERICA,
New York, N. Y., January 11, 1956.

To Whom It May Concern:

Miss A. M. Evans went out to India as a missionary under the above board in 1911 and was with us until she retired in 1938. At the present time, her health is much depleted and she greatly needs the care of her companion, Miss Scott. I sincerely hope that you will do all in your power to help Miss Hazel Scott gain permission for a permanent residence in the United States of America.

Though I am an active member of the above board, this is not an official communication from that group.

Please consider this a personal letter. As a friend of long standing I feel I want to help Miss Evans and Miss Scott all I can. I worked with Miss Evans for a year in missionary work in India so I have had an opportunity to know her. I also know that Miss Scott would make a very fine citizen of our country.

(Signed) BESSIE M. WHITE,
Secretary for Allahabad, India.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2827) should be enacted.

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Calendar No. 2127

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2104

WALTRAUD GRETE SCHRAMM

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2864]

The Committee on the Judiciary, to which was referred the bill (S. 2864) for the relief of Waltraud Grete Schramm, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of crimes involving moral turpitude in behalf of the fiance of a United States citizen member of our Armed Forces. The bill also enables the fiance to enter the United States in order that she may marry her citizen fiance and thereafter reside in the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 26-year-old native and citizen of Germany who presently resides in Germany. She is engaged to a United States citizen member of our Armed Forces whom she met while he was stationed in Germany. Before she was 21 years of age, she had 2 convictions for theft. She stole $10 but returned it to the owner the following day. On another occasion she stole 20 marks ($5) which she likewise returned to the owner. She was sentenced to pay fines totaling 70 marks ($17) which she paid. Without the waiver provided for in the bill, she will be unable to enter the United States for the purpose of marrying her citizen fiance.

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A letter, with attached memorandum, dated May 7, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 7, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2864) for the relief of Waltraud Grete Schramm, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Atlanta, Ga., office of this Service, which has custody of those files. According to the records of this Service, the complete name of the beneficiary's fiance is Frank Henry Schopfer, Jr.

The bill would waive the provision of the Immigration and Nationality Act, which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, and would bestow eligibility upon the beneficiary for a visa as a nonimmigrant visitor for a period of 3 months, if it is found (1) that she is coming to the United States with a bona fide intention of being married to her fiance, Frank H. Schopfer, Jr., a citizen of the United States, and (2) that she is otherwise admissible under the Immigration and Nationality Act. It would further provide that, in the event the marriage between the beneficiary and her fiance does not occur within 3 months after the entry of the beneficiary, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of the Immigration and Nationality Act. However, if the marriage between the beneficiary and her fiance shall occur within 3 months after her entry the Attorney General is authorized and directed to record the lawful admission for permanent residence of the beneficiary as of the date of the payment by her of the required visa fee.

The exemption granted the beneficiary is limited to grounds for exclusion of which the Secretary of State or the Attorney General has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE WALTRAUD GRETE SCHRAMM, BENEFICIARY OF S. 2864

Information concerning the case was obtained from the beneficiary's fiance, Mr. Frank Henry Schopfer, Jr., and his father, Mr. Frank Henry Schopfer, Sr.

The beneficiary was born on May 24, 1930, in Schonwald, Landkreis Rehau, Bavaria, Germany. She has never been married. She now resides at Lautensackstrasse 9/II, Munich, Germany. She has never been in the United

States. The names and addresses of her parents are unknown. However, because of the failure of her parents to give her proper care, she was placed under the guardianship of a juvenile welfare worker by the Juvenile Board of Stuttgart, Germany, from the age of 15 until she became of full age. Her former guardian has furnished an affidavit attesting to her good moral character notwithstanding her criminal record of theft. She has the equivalent of a high-school education. She is now employed as a barmaid. However, her usual occupation is as a housemaid. Her financial status is unknown.

On December 1, 1950, the beneficiary was convicted of theft on two counts in the Bavarian Lower Court, Hof/Saale, Germany, for which she was fined a total 70 deutschemarks. The offenses were that (1) on an undetermined day before Christmas 1949, she stole one $10 bill from a member of the American occupation forces which she returned to its rightful owner the following day, and (2) on January 12, 1950, she stole 20 deutschemarks which she latter returned to its rightful owner. The beneficiary was denied the issuance of an immigrant visa by the American consul in Munich, Germany, in 1954.

The beneficiary's fiance, Mr. Frank Henry Schopfer, Jr., was born on December 15, 1929, in Brunswick, Ga. He has never been married and has always resided with his parents in Brunswick, Ga., except while serving in the Armed Forces of the United States. He attended Abraham Baldwin College, Tifton, Ga., and Georgia State Teachers College, Statesboro, Ga., for a total of 3 years. He interrupted his college education on January 3, 1951, to enlist in the United States Air Force. He has continued to serve therein until the present time and has risen to the rate of staff sergeant. He is now stationed at Hamilton Field, Calif., with the 1481st Flight Service Squadron. He earns $160 a month and has cash savings of $150. He was assigned to duty in Germany from December 1, 1951, to November 2, 1955, by the United States Air Force during which time he met the beneficiary and fell in love with her. They had wanted to be married before he was returned to the United States but, upon the advice of his superior officers, they postponed marriage until the beneficiary could obtain an immigrant visa and join him in the United States.

Mr. Frank Henry Schopfer, Sr., was born on November 6, 1904, in Charleston, S. C. He resides with his wife at Route 3, Brunswick, Ga. He is employed as a boiler maker by Marine Industrial Contractors, Brunswick, Ga., and earns approximately $4,750 a year. He owns his home except for an unpaid mortgage balance of about $2,000. He also owns $1,000 of stock in the firm by which he is employed. His other son, Thomas Benjamin Schopfer, is a second lieutenant in the United States Army Quartermaster Section.

Senator Walter F. George, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

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[Translation from German]

Cs file No. 3862/50
To Miss Waltraud Stramm, in Hof/Saale, Hotel Kaiserhof

ORDER TO INFLICT PUNISHMENT

According to a report of the police headquarters in Hof, dated January 14, 1950, you have unlawfully taken foreign movable items, the property of someone else, with intent to claim them your own on two occasions.

(1) On a day, of which the exact date cannot be established at this time, before Christmas 1949 you stole from a member of the American occupation force in the Schönblick Inn, located in Hof, one ten-dollar bill.

This banknote was then returned by you to the person who had suffered the loss on the following day.

(2) On January 12, 1950, you stole 20 deutschemarks from Sepp Stahl, salesman, in the Orient Bar at Hof.

The stolen money was later returned by you to the person who had suffered the loss.

This action constitutes two offenses of theft in violation of paragraphs 242, 74 of the criminal code.

EVIDENCE—REPORT, OWN STATEMENTS

Upon the written application of the attorney general and under the provisions of the listed regulations and paragraph 407 of the criminal code you have incurred upon yourself an imprisonment of 10 days for offense (1) above, and 4 days for offense (2) above. The imprisonment has been changed to a fine of 50 deutschemarks for offense (1) above and 20 deutschemarks for offense (2) above.

In case of nonpayment of the fine, confinement of 10 days will be imposed for offense (1) and 4 days for offense (2). You will bear the costs of the procedure.

This order to inflict punishment will have the power of a valid sentence adjudged by a court and will be executed if an objection is not made against the same to the lower court in writing or verbally before the protocol office of the court within 1 week after delivery of this order. The objection made in writing must be received by the court before the 1-week period has elapsed. Evidence serving the defense may be connected with the objection.

In case objection is raised in due time, the hearing will be held before the lower court in Hof/Saale if the prosecuting authority does not drop its charges or the objection is not withdrawn prior to the beginning of the hearing.

The execution of the fine and the costs arising therefrom can be avoided by payment of the fine within a maximum period of 2 weeks beginning with the date of delivery of this order.

HOF, SAALE, *December 1, 1950.*

Calculation of costs

	Deutsche-marks	Pfennigs
Fee	3	50
Fines	70	
Expenses		
Imprisonment costs		
Total	73	50

GEBSER,
The Judge of the Lower Court.

[SEAL reading: Bavarian Lower Court, Hof, Saale.]

For the verification, the deputy document official of the office of the court:

(Signature illegible) *Legal Clerk.*

Notice I

Objection against this order to inflict punishment is made: (1) in writing to the address: Lower court Hof, Saale (criminal court) or (2) in person to the record of the protocol office of the lower court, Hof, Saale in the courthouse on Theaterstrasse 8, Room 67/II.

Notice II

The payment of the fine and the above-listed fees are payable to the court cashier, Hof, Saale, Theaterstrasse 8, Room 60/II, in the following manner: (1) by presenting this order (mornings only) or (2) through a post-office cheque to the postal-cheque office, Nuernberg, account No. 2577 of the lower court; (3) by postal money order to the above-listed address; (4) by payment to the bailiff against receipt and payment of the collection fee.

In case of payment through post-office cheque or postal money order the name, occupation, address of the sender, must be entered on the paying-in or postal money order and the Cs file number, shown on the front page in the upper left corner of this order, must be entered on the back of the cheque or paying-in form. Otherwise the payment will be disregarded.

(Translated by Heinrich Hopp, translator, Judge Advocate Section, 7485th Air Depot Wing.)

BRUNSWICK, GA., *November 18, 1955.*

DEAR SIR: I am S. Sgt. Frank H. Schopfer, Jr., and I have just returned from a 4-year tour in Germany. While over there I met a German girl and we applied for a visa so that we could be married. However, because of two misdemeanors on her police record the American consulate refused Miss Schramm a visa.

My legal adviser at Erding Air Depot, where I was stationed, suggested that I write you for your advice. He sighted several instances where visas were obtained for German girls through Congress. However I am not acquainted with the procedure I would have to use to do this, so I am writing to you with the sincere hope that you can help me.

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The cases against Miss Schramm cannot be reopened in the German courts because they will not deal with such cases if they are over 5 years old. At the time of both incidents Miss Schramm was only 17 or 18 years old. Because of her youthfulness and inexperience she did not take the matters to court but instead accepted the fines levied against her, both fines totaling less than $15. I am sure had she appeared in court at the times of her mishaps she would have been acquitted. However, as I stated before, it is too late to reopen the cases, so I am writing you with the hope that you can advise me or help in any way that you can.

I appreciate the time you have taken to read this letter and I am very grateful. I await your answer anxiously.

Yours very truly,

FRANK H. SCHOPFER, Jr.

BRUNSWICK, GA., *May 10, 1955.*

DEAR SENATOR GEORGE: Since you are a busy person I'll tell you why I'm writing to you without too much ado. First, my son, S. Sgt. Frank H. Schopfer, Jr., is in the Air Force and is in Erding, Germany, where he has been for 3½ years. Senator George, while there, he fell in love with a German girl and wanted to marry her and bring her to America; but while investigating this girl's records they found that she had two police records for theft. Of course, she was denied a visa to America. But, Senator George, if someone would take the time to look into and to listen to her life's story you would understand why these things happened.

When she was 3 years old her mother died and she was placed in an orphanage and there she remained until she was 14 years old. Then she was put out in the world to make her own way. While in the orphanage she was trained to be a housekeeper, so she lived with German families and also families of the Americans.

Once at Christmas she was accused of taking $10 and at another time she was accused of taking a smaller amount, but in both cases the money was returned.

The chaplain on the base at Erding wrote me that Miss Schramm was a very nice girl, a Christian girl, and if she did commit these sins that she had repented of them as they were mistakes of her youth. It was very unfortunate that she should have been put out into the world at such a tender age, an age when she needed the love and guidance of her mother.

Senator George, if Christ could and did forgive, why can't man? He forgave the two thieves on the cross, promising them a place in Paradise. We know it is human to err, but divine to forgive.

Frank is a good clean moral boy, a member of the Norwich Street Baptist Church. He attended church and Sunday school regularly when at home.

Won't you please tell me what can be done to obtain a visa for Wally? We all love her and want her as a member of our family.

If you want the records from the consulate at Munich we will send them to you. Please, please, take time to answer this. I was told that you would never see this letter, much less answer it—but I've got faith to believe differently.

Sincerely,

Mrs. F. H. SCHOPFER.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2864) should be enacted.

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Calendar No. 2128

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2105

EDITH JOHANNA AUGUSTA KIENEST

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2959]

The Committee on the Judiciary, to which was referred the bill (S. 2959) for the relief of Edith Johanna Augusta Kienest, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of a crime involving moral turpitude in behalf of the fiancee of a United States citizen member of our Armed Forces. Following her marriage, she will then be able to qualify for a nonquota immigrant visa to accompany her husband to the United States when he returns.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old native and citizen of Germany who presently resides in Bavaria. Her fiance is a United States citizen member of our Armed Forces presently stationed in Germany. The beneficiary was denied a visa because of a conviction for theft of 70 marks ($17.50) from the person with whom she was living. The money was repaid immediately, the beneficiary having borrowed it from other friends to repay it. Without the waiver provided for in the bill, she will be unable to enter the United States.

A letter, with attached memorandum, dated April 26, 1956, to the chairman of the Senate Committee on the Judiciary from the Com-

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missioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 26, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2959) for the relief of Edith Johanna Augusta Kienest, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Milwaukee, Wis., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of or admit having committed a crime involving moral turpitude, and would permit the beneficiary to enter the United States for permanent residence if she is found to be otherwise admissible. The bill further provides that her marriage to her United States citizen fiance, Specialist 3 John Anderson, shall occur not later than 6 months following the date of the enactment of the act. The bill also provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EDITH JOHANNA AUGUSTA KIENEST, BENEFICIARY OF S. 2959

Information concerning this case was obtained from Specialist 3 John Anderson, the beneficiary's fiance.

The beneficiary, Edith Johanna Augusta Kienest, a native and citizen of Germany, was born on January 13, 1929. She has never married and resides at Kirchsteinstr. 10, Bad Tolz, Bavaria, Germany.

The beneficiary is unemployed. Her educational background is unknown. Her widowed mother resides in the East Zone of Germany.

The beneficiary has never been in the United States. According to her fiance, she was convicted of larceny on January 26, 1954, and sentenced to 3 months' imprisonment. Part of the sentence was served in pretrial confinement, the remainder was suspended. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to furnish additional information regarding the beneficiary's conviction and ineligibility for a visa.

The beneficiary's fiance, was born in Ashland, Wis., on October 11, 1933. He has been in the United States Army since September 10, 1952, and is presently serving in the Parachute Rigging Detachment, 10th Special Forces Group, Airborne, APO 108, New York, N. Y. Mr. Anderson has never married. He earns $2,700 a year.

Senator Joseph R. McCarthy, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

RIGGING DETACHMENT,
10TH SPECIAL FORCES GROUP, AIRBORNE,
APO 108, New York, October 31, 1955.

To Whom It May Concern:

I have had occasion to interview Miss Edith Kienest in connection with the application for permission to marry, submitted by Specialist 3 John Anderson, who is a member of my command.

Miss Kienest appears to be a very modest and pleasant young lady. She presents an excellent appearance, is quiet in manner, neat, and seems in every way to be a respectable young woman.

To the best of my knowledge and belief, Miss Kienest has an excellent record with the exception of one offense for which she was tried and convicted. In this instance it would appear that there were extenuating circumstances which were not taken into account by the police or the court.

Specialist 3 Anderson has known Miss Kienest for some time, and they appear to be well suited to each other. They attend church services regularly at the Flint Kaserne Chapel.

It is my opinion, on the basis of such facts as are available to me, that a request for special legislation is justified and reasonable. I have been informed by members of the staff of the Munich American consulate that a visa cannot be granted Miss Kienest, and that since it appears that she is a young woman of good character and reputation, the possibility exists that permission for her to enter the United States could be granted by special act of Congress. I am aware of no facts or circumstances which would render the granting of such permission inadvisable.

STEPHEN WASECKA,
Captain, QMC, Commanding.

PARACHUTE RIGGING DETACHMENT,
10TH SPECIAL FORCES GROUP, AIRBORNE,
APO 108, New York, N. Y., January 4, 1956.

Hon. JOE MCCARTHY,
United States Senate, Washington, D. C.

DEAR SENATOR: This office has received a verbal report from the local representative of the Counterintelligence Corps in connection with Miss Edith Kienest, German national fiance of Specialist 3 John Anderson. From this informal report, it appears that the facts previously furnished you were substantially accurate with the following exceptions:

(*a*) In the statement filed as part of the application for permission to marry, Miss Kienest did not include a full account of the charges upon which she was convicted. She stated that the money she took was due her and was her own property; this was not the case. The money taken was the property of Mrs. Wallburga Haslinger. On the basis of the statement submitted by Miss Kienest, a formal investigation was conducted by the Counterintelligence Corps. This

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investigation disclosed that the following entry appears in the German Federal Penal Register:

[Translation]

"Sch. Ger. Munich-County 3 Ls 371/53—on 26 Jan 1954—concerning serious larceny—Paragraph 242, 243 Sec I Number 3 StGB—sentenced to 3 months imprisonment. Part of sentence served in pretrial confinement, remainder of sentence suspended, suspension will be remitted on 26 Jan 1956, dated 26 Jan 1954."

(*b*) Mrs. Haslinger has now informed the representative of the Counterintelligence Corps that she did, in fact, make the complaint to the police herself in connection with this matter. However, she states that she did so immediately after discovery of the loss, and that she later regretted having done so. She attempted to withdraw the charges but was not permitted to do so since prosecution is mandatory for all offenses coming under the scope of paragraphs 242 and 243 mentioned above, which come to the attention of the police. Although Miss Kienest was living in Mrs. Haslinger's house at the time, the money was kept in a locked drawer which Miss Kienest opened; under the German Penal Code this constitutes the offense of breaking and entering as covered by paragraphs 242 and 243. Mrs. Haslinger stated that she did not wish Miss Kienest to be angry with her, and that she had therefore denied having made the complaint. Her previous statement was to the effect that a neighbor had gone to the police without her knowledge or consent.

No other discrepancies were discovered during the course of the background investigations conducted by the Counterintelligence Corps for the information of your office.

The executive officer of this detachment, Lt. James M. Grossman, made a trip to Munich in September 1955 to discuss this case with representatives of the consulate. He was informed that Miss Kienest's conviction on these charges made her ineligible for an immigration visa to the United States under section 212 (a) (9) of the Immigration and Nationality Act of 1952. However, the consulate representative with whom Lieutenant Grossman spoke stated that he was personally most sympathetic toward Miss Kienest, and felt that further action to permit her entry was justified although he was unable officially to offer further assistance. It was his suggestion that special legislation be introduced for this purpose, since he felt that an injustice had been done her, particularly in view of the fact that the money was taken from a friend, that Miss Kienest was to some extent justified in the assumption that it would have been loaned to her if Mrs. Haslinger had been at home at the time, that the entire sum was promptly repaid, and that Mrs. Haslinger was most anxious to withdraw the complaint but was not permitted to do so. It was his view that Miss Kienest's action did not involve moral turpitude within the actual meaning of the Immigration and Nationality Act of 1952, particularly in view of the fact that she appeared to be a young woman of good character with the exception of this one incident.

I regret that my permanent change of station to Verona, Italy, which will take place on January 10, 1956, will prevent my being of further service to you in this connection. However, if you should desire anything further in this connection, you may address inquiries

to 1st Lt. James M. Grossman, who will take my place on that date and who is thoroughly familiar with the situation.

It has been a pleasure to offer you such assistance as has been within the scope of this office. If at any time I can be of further service to you, I shall be very pleased to cooperate in any way possible.

Respectfully yours,

STEPHEN WASECKA,
Captain, QMC, Commanding.

BACKGROUND STATEMENT

My fiance's name is Edith Johanna Augusta Kienest. She was born on January 13, 1929, at Trauenbritzen, Pommerania.

During the Russian occupation her father, who was crippled, was shot to death as 1 of a group of 100 hostages killed in reprisal for the death of a Russian officer.

Miss Kienest had been compelled to work in a Russian ordnance depot, doing very hard labor. After her father's death, she fled to the West Zone of Germany, where she was assisted by the Red Cross to find work in the town of Asschaffenberg. She worked there in the home of a German physician for a little more than a year, at 30 marks ($7.28) a month plus room and board. She left there voluntarily because of an opportunity to work for an American Army officer's family, where the pay was much better. She remained with this family until they returned to the United States.

In June of 1953, after the departure of her employers, she learned that she could find work in Bad Tolz, Bavaria. She came here at that time, and worked on a farm. She was required to work in the fields as well as in the farmhouse, and the heavy lifting and long hours proved to be too much for her health. She left there to stay with a friend, Mrs. Wallburga Haslinger, of Lenggries, Bavaria. This is a village a short distance from Bad Tolz.

While she was living in Mrs. Haslinger's house, she assisted with the housework and care of the children. During this time, Mr. Haslinger spent considerable time in the hospital. While Mrs. Haslinger was away from home on a visit to her husband, Miss Kienest received a letter from her mother, pleading for money which she needed at once to meet a serious emergency in the family. Miss Kienest did not have enough money. She believed that Mrs. Haslinger would loan it to her if she were at home, since she had sufficient funds on hand. She very foolishly, in Mrs. Haslinger's absence, took 70 marks from the drawer where the Haslingers habitually kept spare cash, and sent it at once by postal money order to her mother.

When Mrs. Haslinger returned, several people accompanied her into the house. She went to her room immediately upon her return to get money to pay a small bill. She was very angry to find the money gone. Miss Kienest told her at once what had happened, and said that since Mrs. Haslinger did not seem to approve of her taking the money in Mrs. Haslinger's absence, she would borrow enough from other friends to repay it at once. She did so. The money was found missing on Saturday; it was repaid in full on Monday.

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After Mrs. Haslinger fully understood the circumstances, she felt that Miss Kienest had acted under great emotional stress. She was of the opinion that Miss Kienest should have waited until she came home; however it was her view that Miss Kienest had taken an undue liberty rather than that she had committed a theft. They are now on good terms.

A neighbor who was in the house at the time the loss was discovered took it upon himself to report the matter to the police, without Mrs. Haslinger's knowledge or consent. He knew that Mrs. Haslinger did not regard the matter as anything with which the police had any concern. It is not unusual in Germany for such action to be taken by officious persons not concerned in a situation; when such reports are received, they are thoroughly investigated. This custom was at one time very useful to the Gestapo.

The police called upon Mrs. Haslinger and questioned her. She told them that since she had the money she considered the matter closed. She stated that she had no desire to make a complaint. The police, however, stated that a complaint had already been made by one of her neighbors, and that she was required to give them a complete account. Had she refused to do so, she would have caused trouble for herself. The police took Miss Kienest into custody in spite of the fact that all interested parties were in agreement and on good terms, and held her for 6 weeks prior to trial.

Miss Kienest was tried at Munich on December 15, 1953, and given a suspended sentence. She was placed on 2 years' probation. In court, Mrs. Haslinger did the best she could for Miss Kienest, but the court chose to adhere to the letter of the law in spite of Mrs. Haslinger's expressed view that prosecution was unwarranted.

The period of probation will expire on January 26, 1956. During this probationary period, the police have naturally kept in close touch with Miss Kienest. Her record during this time has been excellent.

To the best of my knowledge and belief, the above constitutes a full and accurate account of the circumstances leading to Miss Kienest's trial and conviction on charges of theft.

JOHN A. ANDERSON.

OCTOBER 22, 1955.

To Whom It May Concern:

Miss Edith Kienest lived in my house for 3 months during the latter part of 1953. She came to live with us at my invitation, since we were friends.

During my absence from home while my husband was in the hospital, Miss Kienest received a letter from her mother, who lives in the East Zone of occupied Germany. Her mother was in desperate need of financial help. Miss Kienest took 70 marks which belonged to me, and sent it to her mother.

When I returned home, I had occasion to go to that drawer for money almost at once. I was very angry when I learned that she had taken it, and she went at once to other friends and borrowed enough to pay me back. The money was taken on Saturday, and she returned the entire sum on Monday.

A man who was a guest in the house when I discovered that the money was missing took it upon himself to report the matter to the

police, without my knowledge or consent. When the police came to inquire, I had already received my money, and did not wish to carry the matter further. The police insisted that a crime had taken place and that there must be a trial. I stated at that time that I did not desire to see Miss Kienest punished, since she had given me back the money. I assumed that that ended the matter, but it did not.

In court I again said that I had received my money, and that Miss Kienest had not attempted to deny that she had borrowed it; she had taken it as a loan only since I was not at home to help her. I said in court that I never had believed that she intended to steal.

I am sorry that this incident has had such serious consequences for Miss Kienest, and am willing to help her if possible because I believe she is a good girl and deserves to marry and have a home.

WALLBURGA HASLINGER,
Lenggries, Obbn, Brauneckstrasse 15.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2959) should be enacted.

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Calendar No. 2129

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2106

FRANCESCO ZAMMUTO

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3000]

The Committee on the Judiciary, to which was referred the bill (S. 3000) for the relief of Francesco Zammuto, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of crimes involving moral turpitude in behalf of the husband of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 30-year-old native and citizen of Italy who presently resides in Aragona, Italy. He was married in 1949 to a United States citizen, and when she returned to the United States he was unable to accompany her because of two convictions for theft. In 1944, when the beneficiary was 19 years of age, he was charged with the theft of some carob tree leaves from his neighbor and the following year the neighbor made the same complaint. He was given suspended sentences on both occasions. The beneficiary's wife presently resides at Rockford, Ill., where she is employed. They have no children.

A letter, with attached memorandum, dated March 28, 1956, to the chairman of the Senate Committee on the Judiciary from the Com-

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missioner of Immigration and Naturalization, with reference to the bill, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 28, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3000) for the relief of Francesco Zammuto, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of or admit having committed a crime involving moral turpitude, and would permit the beneficiary to enter the United States for permanent residence if he is found to be otherwise admissible. The bill also provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE FRANCESCO ZAMMUTO, BENEFICIARY OF PRIVATE BILL S. 3000

Information concerning this case was obtained from Mrs. Josephine Zammuto, the beneficiary's wife.

The beneficiary, Francesco Zammuto, a native and citizen of Italy, was born on November 2, 1925. He married Josephine Zammuto, a United States citizen, in Italy on January 3, 1949. They have no children. The beneficiary resides at Aragona, Agrigento, Italy.

The beneficiary completed 3 years of school in Italy. He is employed as a farmworker and has no assets. He has two uncles, an aunt, and a cousin residing in the United States. His parents reside in Italy.

The beneficiary has never been in the United States. He was refused an immigrant visa by the American consul at Palermo, Italy, in September 1953, because of two convictions for crimes involving moral turpitude. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to furnish additional information concerning the beneficiary's convictions. The beneficiary served in the Italian Army from January 1947, to June 1948.

The beneficiary's wife, Josephine Zammuto, was born in the United States. She departed from the United States in 1924 for Italy and resided there until September 1953. She resides at 1227 South Church Street, Rockford, Ill.,

and is employed as a presser. She earns $55 a week and has $1,500 in savings.

Senator Paul H. Douglas, the author of the bill, has submitted numerous letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
April 4, 1956.

Re S. 3000, for the relief of Francesco Zammuto

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR EASTLAND: In order that your committee may be fully advised when consideration is given to the above-named bill, I am pleased to submit the attached documents in support of this measure.

The beneficiary of S. 3000 is a national of Italy who has been found ineligible for an immigrant visa under section 212 (a) (9) of our immigration law, inasmuch as he had been convicted of theft.

In 1944, when Mr. Zammuto was approximately 19 years of age, he was convicted for the attempted theft of "some carob-tree leaves" and his sentence of 15 days and fine of 300 lire was suspended. In 1945 he was convicted for the theft of "some carob-tree leaves" and that penalty of 2 months' imprisonment and fine of 1,000 lire was also suspended. Both these penalties were later extinguished by an amnesty. I am told that the leaf of the carob tree has no value, and that Mr. Zammuto was prosecuted by a farmer who wanted to make an example of Mr. Zammuto to deter future trespassing on his land. The gravity of the offenses is indicated by the nominal suspended sentences and the amnesty declared by the Italian court.

Mr. Zammuto is married to a United States born citizen, and his wife has obtained an approved visa petition granting him nonquota immigrant status.

It is my sincere belief that this measure is worthy of your consideration and I hope your committee will favorably report S. 3000 in the very near future.

With kind regards,

Sincerely yours,

PAUL H. DOUGLAS.

THE FOREIGN SERVICE OF THE
UNITED STATES OF AMERICA,
AMERICAN CONSULATE GENERAL,
Palermo, May 24, 1954.

Mr. FRANCESCO ZAMMUTO,
Via Felice Cavallotti 49, Aragona (Agrigento):

You are informed that from a thorough examination of your proceeding it is determined that you are not qualified to have issued an immigration visa into the United States in conformity with article 212 (a) (9) of the immigration and nationality law; since you have been condemned for theft.

The above-mentioned article prohibits the entry into the United States by persons who have been condemned for defaming crimes. The crime committeed by you has been defined as such.

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In view of the above, therefore, your proceeding must be considered definitely closed.

Distinct greetings.

(Signed) C. T. ZAWADSKI,
American Consul
(For the Consul General).

STATE OF ILLINOIS,
County of Winnebago, ss:

AFFIDAVIT OF TRUE TRANSLATION

I, the undersigned Frank G. St. Angel, a notary public in and for the county of Winnebago, and State of Illinois, do hereby declare that I am conversant with the Italian language, that I read, write, and speak the Italian language fluently; that I am a qualified and experienced translator of documents in the Italian and English language, which knowledge is based upon at least 4 years of study of the Italian language at the University of Illinois; that I have translated from the Italian language into the English language the foregoing document; and I hereby certify that said translation is a just, true, literal, and correct translation into the English language of said document to the best of my knowledge and belief, said attached document purporting to be a letter from the American consulate general of Palermo, Italy, for one Francesco Zammuto.

FRANK G. ST. ANGEL.

Subscribed and sworn to before me a notary public in and for said county and State, this 7th day of December A. D. 1955.

[SEAL] MABEL HAYNES,
Notary Public.

PREFECTURE OF ARAGONA

The chancellor of the Prefecture of Aragona certifies that Zammuto Francesco, son of Giuseppe and of Arena Francesca, born on November 16, 1925, at Valguarnera, resident of Aragona, has not expiated the penalty given him according to the sentence of this prefecture respectively on March 23, 1944, under which he was sentenced to 15 days of seclusion and to 300 lire fine for attempted theft of some carob-tree leaves, and on April 12, 1945, under which he was sentenced to the penalty of 2 months of seclusion and 1,000 lire fine for the theft of some carob-tree leaves, because he obtained for both of these sentences the benefit of conditional suspension of the penalty and because the above-mentioned penalties were declared extinguished by amnesty declared by this prefecture respectively on December 24, 1953, and October 23, 1946.

Issued at the request of the interested person for emigration use.

(Signed) The CHANCELLOR.

[Seal, Prefecture of Aragona]

STATE OF ILLINOIS,
County of Winnebago, ss:

AFFIDAVIT OF TRUE TRANSLATION

I, the undersigned Frank G. St. Angel, notary public in and for the county of Winnebago and State of Illinois, do hereby declare that I am conversant with the Italian language; that I read, write, and speak the Italian language fluently; that I am a qualified and experienced translator of documents in the Italian and English language, which knowledge is based upon at least 4 years of study of the Italian language at the University of Illinois; that I have translated from the Italian language into the English language the foregoing document; and I hereby certify that said translation is a just, true, literal, and correct translation into the English language of said document to the best of my knowledge and belief, said attached document purporting to be a certification of the Prefecture of Aragona.

FRANK G. ST. ANGEL.

Subscribed and sworn to before me, a notary public in and for said county and State, this 12th day of May A. D. 1955.

[SEAL] MORRIS ROSENBLOOM,
Notary Public.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3000) should be enacted.

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Calendar No. 2130

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2107

KIYOSHI KINOSHITA

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3009]

The Committee on the Judiciary, to which was referred the bill (S. 3009) for the relief of Kiyoshi Kinoshita, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor child to be adopted by a citizen of the United States the status of a nonquota immigrant which is the status normally enjoyed by alien minor children of United States citizens.

STATEMENT OF FACTS

The beneficiary of the bill is a 6-year-old native and citizen of Japan, born out of wedlock. When he was 3½ years old, his mother married a United States citizen member of our Armed Forces who was then stationed in Japan. The husband is presently stationed at Plattsburg Air Force Base, N. Y., while his wife and the child he plans to adopt are residing in Tokyo. A clerical error at the time of the marriage listed the husband as the father of the child, thereby making it impossible for him to adopt the child in Japan.

A letter, with attached memorandum, dated May 4, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 4, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3009) for the relief of Kiyoshi Kinoshita, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Buffalo, N. Y., office of this Service, which has custody of those files.

The bill would confer nonquota status upon the alien child, pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural born alien child of a United States citizen.

As a quota immigrant the child would be chargeable to the quota for Japan.

Sincerely,

——— ———, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KIYOSHI KINOSHITA, BENEFICIARY OF S. 3009

Information concerning the case was obtained from S. Sgt. Robert A. Kremp, the beneficiary's stepfather.

Kiyoshi Kinoshita, a native and citizen of Japan, was born October 7, 1949. He is the child of Shideko Kinoshita, also a native of Japan, who was born August 5, 1930. His mother was married to Robert A. Kremp, a citizen of the United States and a member of the United States Air Force, at Tokyo, on May 25, 1953. Neither had been married previously.

The beneficiary resides with his mother at Johnson Air Force Base, Tokyo, Japan, where they have been authorized to remain until May 1, 1956. Both are supported by Staff Sergeant Kremp. In November 1955, after a 4-year tour of duty in Japan, Staff Sergeant Kremp was assigned to the Plattsburg Air Force Base, Plattsburg, N. Y.

Staff Sergeant Kremp has been a member of the United States Air Force since December 15, 1949. His base pay is $191 a month plus allowances. His only asset consists of an automobile valued at about $300. He admits having been convicted for black-market activities in converting MPC to yen in the amount of $1,050 MPC. He was reduced in grade and paid a fine of $150.

Private bill H. R. 9061 has also been introduced in the 84th Congress for the relief of the beneficiary.

Senator Leverett Saltonstall, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
January 25, 1956.

Hon. HARLEY. M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: On January 23, 1956, I introduced, by request, S. 3009, a private bill for the relief of Kiyoshi Kinoshita, the son of Shideko Kinoshita.

Shikedo Kinoshita is now the wife of S. Sgt. Robert A. Kremp, AF11192261, of South Chatham, Mass., who is presently stationed with the 380th Air Base Group, Plattsburg Air Force Base, N. Y. Mrs. Kremp has been authorized by the commander, Sixth Tow Target Squadron (FEAF), APO 994, San Francisco, Calif., under date of October 24, 1955, "to remain in FEAF until May 1, 1956, for completion of adoption of Kiyoshi Kinoshita, age 6, weight, 58 pounds, as you will note from the enclosed copy of Staff Sergeant Kremp's orders.

Mrs. Kremp is, naturally, most anxious to bring her son with her to the United States when she comes, and you will further note that the sergeant and Mrs. Kremp are most anxious, also, to legally adopt her son.

Sergeant Kremp has written to me in detail about this case, and I am enclosing a photostat copy of the sergeant's letter to me, together with a copy of his Special Orders No. 102, dated October 24, 1955, and the translation of Kiyoshi's birth record.

In view of the time element—Mrs. Kremp's orders to come to the United States about May 1, 1956—anything you and your committee may do to expedite action on S. 3009 would be deeply appreciated by all concerned. From the facts as presented by Sergeant Kremp, this bill for the relief of Kiyoshi Kinoshita appears to have merit.

Thank you for your courtesy and helpfulness in this case.

With best regards, I am,

Sincerely yours,

LEVERETT SALTONSTALL,
United States Senator.

DECEMBER 23, 1955.

Hon. LEVERETT SALTONSTALL,
Senate Office Building, Washington, D. C.
(Attention: Mr. Fisher.)

MY DEAR SENATOR SALTONSTALL: You may recall having talked with me briefly at the Hotel Bryant in Brockton, Mass., on December 20, upon introduction by Harry Allen, a member of the Governor's Council of Massachusetts. This letter is being sent to you at the suggestion of Mr. Minot, your secretary, and you also suggested I write.

I am a staff sergeant in the Air Force and my home is in South Chatham, Mass., having recently returned from a 4-year tour of duty in Japan. I am attaching hereto a copy of my Special Orders No. 102. I must report at Plattsburg, N. Y., Air Force Base on January 3, 1956. Please address me at Plattsburg Air Force Base as S. Sgt. Robert A. Kremp, AF11192261; 380th Air Base Group, when you make reply in connection with this letter.

During my tour of duty in Japan I married Shideko Kinoshita. The marriage took place on the 25th of May 1953, the date of marriage

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approval by Headquarters, Japan Air Defense Force, APO 710, being May 5, 1953. This marriage took place in Tokyo, Japan, and is recorded at the American consulate there.

My wife had a son, Kiyoshi Kinoshita, born prior to our marriage. The birth of this child had never been entered on any family register until my wife and I were married. We obtained records from the doctor as well as the hospital at which the child was born and had an entry made on my wife's family register. This was done in October 1954 and in making the entry my name was entered erroneously as the father of the child. I immeditaely notified the Tokyo family court to have this changed. The change has not been made. I had contacted that court approximately 12 different times during the past 9 months. However, as stated above, while the initial request to the court was made during November 1954 the correction has not been made. As a result of this lack of success in having the records amended or corrected, my wife went to that court and asked them to discontinue taking all action.

Prior to my having left Japan, my wife and I attempted to legally adopt my wife's son, but did not meet with success. As you will recognize, the adoption proceedings could not be instituted since the records showed I was the father of the child, although erroneous, and of course cannot adopt my own child of record. Since I was shipped as stated above it was necessary that my wife remain in Japan to care for the child and she is now there. As you will note from my special orders, and underlined in red, "Spouse authorized to remain in FEAF until May 1, 1956, for completion of adoption of Kiyoshi Kinoshita, age 6; weight, 58 pounds." It will be necessary that my wife obtain a visa as well as a passport, and upon receiving the passport my wife will then be in a position to apply for transportation to this country. Obviously if the May 1 deadline cannot be made, my wife will be obliged to remain to take care of the child as otherwise he might be placed with an orphanage there, there being no relatives able to care for him. Incidentally, I have completely supported the child since May 1953. He recognizes me as his father and I feel that he is my own son. My problem seems to be that legal adoption must be made before he can enter the United States.

As matters stand now unless the adoption proceedings have been completed in Japan or some other solution is found before May 1, 1956, my wife's time will have expired. I understand that my stepson could come into this country without a legal adoption, but only under a quota basis. This might involve the delay of 4 to 5 years before he could come into this country.

When I talked with you concerning my problem you thought, and later when I talked to Mr. Minot he also felt, that perhaps special legislation could be enacted to cover not only my situation but situations similar to mine with respect to other servicemen. It was my thought also that if we could have the child legally admitted to this country then perhaps there would be a means by which a Massachusetts or other State probate court judge could grant the adoption.

I trust that I have presented to you as clearly as possible my problem and that you will recognize the urgency and that "time is of the essence" with respect to my wife's authorized stay until May 1, 1956, before she is to leave Japan for this country. If we could work out a means by which my stepson could come with my wife who will

leave Japan on or before May 1, 1956, and be legally admitted to this country, perhaps our problems will be solved.

Your secretary, Mr. Minot, suggested that legislation similar to the above, and special legislation, was being enacted fairly regularly in order to provide a means for entry, although he did state that most of this was in connection with European entries.

I will greatly appreciate any suggestions and advice you could give me.

Very truly yours,

ROBERT A. KREMP.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3009) should be enacted.

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Calendar No. 2131

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2108

MARIANNE EDER DUNBAR

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3100]

The Committee on the Judiciary, to which was referred the bill (S. 3100) for the relief of Marianne Eder Dunbar, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of crimes involving moral turpitude in behalf of the wife of a United States citizen member of our Armed Forces.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old native and citizen of Austria who presently resides in Germany with her United States citizen husband and 6-year-old son. She was convicted in 1948 of theft and fraud for which she received a 4-week sentence. In 1949 she was convicted of abuse of official authority by government official for which she received a 6-month sentence. Without the waiver provided for in the bill, she will be unable to enter the United States with her citizen husband and son.

A letter, with attached memorandum, dated June 24, 1954, to the then chairman of the Senate Committee on the Judiciary from the Executive Assistant to the Commissioner of Immigration and Natural-

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ization with reference to S. 3078 which was a bill pending in the 83d Congress for the relief of the same alien reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 24, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3078) for the relief of Marianne Eder and Curt George Eder, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Detroit, Mich., office of this Service which has custody of those files.

The bill provides that notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act which exclude from admission to the United States aliens who have been convicted of, or who admit the commission of, a crime involving moral turpitude, Marianne Eder, the fiance of Sgt. George R. Dunbar, a citizen of the United States, and her minor child, Curt George Eder, may be admitted to the United States for permanent residence if the adult beneficiary is found to be otherwise admissible under the provisions of such act: *Provided*, That the marriage to Sergeant Dunbar shall occur not later than 6 months following the date of the enactment of the act. The bill further provides that the exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of the act.

Sincerely,

JAMES L. HENNESSY,
Executive Assistant to the Commissioner
(In absence of Commissioner).

MEMORANDUM OF INFORMATION FROM THE IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIANNE EDER AND CURT GEORGE EDER, BENEFICIARIES OF S. 3078

Information regarding this case was obtained from Mr. and Mrs. George Cecil Dunbar, 13942 Marlowe Street, Detroit, Mich., the parents of George R. Dunbar.

Marianne Eder and Curt George Eder, mother and son, natives and citizens of Austria, were born on July 22, 1927, and July 10, 1949, respectively. They reside in Kitzingin, Germany, and have never been in the United States.

The female beneficiary resided in Austria all her life until 1953. She has the equivalent of a high-school education. On August 31, 1948, and again on March 31, 1949, in Saalfelden, Austria, she was convicted of the crime of larceny. She applied for an immigrant visa at the American consulate office in Salzburg, Austria, in 1952 and in Frankfurt, Germany, in 1953. Both applications were denied. The committee may desire to request the Bureau of Security and

Consular Affairs, Department of State, to secure information in this connection.

Sgt. George R. Dunbar, the fiance of the adult female beneficiary, was born on May 5, 1926, at Red Lodge, Mont. In February 1947, at Detroit, Mich., he enlisted in the United States Army. He served overseas in Salzburg, Austria, from August 1948 until July 1952, when he returned to the United States. He returned to Germany in January 1953 and is now stationed at Kitzingin, Germany.

George R. Dunbar met the beneficiary while stationed in Austria. They have lived together in marital union continuously since 1948, except for the period he was in the United States in 1952. He is the father of the minor beneficiary and desires to marry the female beneficiary and bring his wife and child to the United States when he completes his present assignment in Germany. He lives with the beneficiaries at 50 Kaiserstrasse, Kitzingin, Germany.

Mr. George Cecil Dunbar, the father of George R. Dunbar, was born on December 20, 1901, at Isabelle County, Mich. He is employed as a salesman by the Alvan Realty Co., where he earned approximately $4,900 in 1953. He lives with his wife at 13942 Marlowe Street, Detroit 27, Mich. The elder Mr. Dunbar testified that the home in which he lives is valued at $16,500. He stated that he still owes approximately $500 on the home. Mr. Dunbar further testified that should the beneficiaries be admitted to the United States, they would make their home with him.

A letter dated May 7, 1956 to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 7, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: This refers to your request for a report relative to the bill (S. 3100) for the relief of Marianne Eder Dunbar. The bill would waive the provision of the Immigration and Nationality Act which excludes from admission to the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime and authorize the issuance of an immigrant visa to the beneficiary if she is found to be otherwise admissible. It further provides that this waiver shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Marianne Eder Dunbar was also the beneficiary of private bill S. 3078, 83d Congress, introduced in behalf of Marianne Eder and Curt George Eder, and a report on that bill was furnished the committee on June 24, 1954.

The following additional information has been received concerning the beneficiary:

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The beneficiary and Sgt. George R. Dunbar, United States Army, were married in Germany in August 1954 and reside together in Germany.

Sincerely,

J. M. SWING, *Commissioner.*

A letter dated July 23, 1954, to the then chairman of the Senate Committee on the Judiciary from the Director, Visa Office, United States Department of State reads as follows:

JULY 23, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR LANGER: Reference is made to your letter of July 7, 1954, and its enclosure, wherein you requested certain information from the files of this Department regarding Marianne Eder and Curt George Eder, beneficiaries of S. 3078, 83d Congress, 2d session.

According to information furnished the Department by the American consulate at Salzburg, Austria, Marianne Eder, born July 22, 1927, at Saalfelden, Austria, was convicted on August 31, 1948, of theft and fraud by Land Court Salzburg in violation of sections 460 and 461, respectively, of the Austrian Penal Code. The alien's penal record also shows a conviction on March 30, 1949, by Land Court Salzburg for misuse of official power.

At this time the Department has no knowledge of any factor in Miss Eder's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Miss Eder from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director Visa Office
(For the Secretary of State).

Senator Pat McNamara, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
February 3, 1956.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR KILGORE: Enclosed is a file of documents and letters pertaining to S. 3100, which I introduced January 31, 1956, in behalf of Mrs. Marianne Eder Dunbar, wife of an American serviceman.

As you will note from the file, the serviceman, Sgt. George Dunbar, met Marianne Eder while he was stationed in Austria, and Marianne bore him a son, Curt George Dunbar, on July 10, 1949. The father arranged to remain with the United States Army in Germany in order to be with his family until he could bring them to the United States.

On August 21, 1954, George and Marianne were married, and in February 1955 the child's birth certificate was corrected so as to show

legitimate birth and American citizenship. We have been advised by Sergeant Dunbar that his son's visa is ready and waiting until such time as the mother is granted permission to accompany him.

Now, as to the difficulties in the way of granting a visa to Mrs. Dunbar: The girl had 2 Austrian convictions, 1 minor, in 1948, the second one resulting in a 4-week imprisonment in the county prison in Austria in 1949. It is the second sentence that is the stumbling block. The section of the law under which she was convicted reads, we are advised by the Austrian legal section of the Library of Congress, "abuse of official authority by government official." We were advised that the term "government official" has a much broader application in Austria than here, and is stretched to cover many positions that we would not consider governmental at all.

The Library of Congress further advised us that the law under which Mrs. Dunbar was convicted (as Marianne Eder) goes back to 1852, that it provides for a minimum sentence of 6 months with the upper limit 5 years, which can be expanded to 10 years in the judge's discretion; and the fact that Mrs. Dunbar received a sentence of only 4 weeks would indicate that the offense could not have been very serious.

Further, and more important: Marianne was granted amnesty by the Austrian Government for both charges. According to Austrian law, she has been returned to full citizenship. However, the American consul contends that unless there is a retrial and she is declared not guilty, under the law she cannot be granted a visa.

Sergeant Dunbar has remained in Germany for a number of years, at his own request, to be with his wife and son. He is very eager to bring them to the United States, so his son may be raised in an American atmosphere. The sergeant's parents, residents of Detroit and American citizens, are also eager to have their son's family join them here in the United States. The sergeant himself seems to be a thoroughly responsible person, as evidenced by the favorable reports of his superior officers.

We should, therefore, appreciate it very much if this bill could be given early and favorable consideration by your committee.

Sincerely,

PAT MCNAMARA,
United States Senator.

THE FOREIGN SERVICE OF THE
UNITED STATES OF AMERICA,
AMERICAN GENERAL CONSULATE,
München, December 13, 1955.

DEAR MRS. DUNBAR: With reference to your application for a visa, the general consulate regrets to inform you that due to the rules and regulations set by the Immigration and Nationality Act of 1952, part 212 (a) (9), and expanded by Public Law 770, you were found ineligible for immigration due to a previous penalty.

The general consulate is, therefore, not in the position to grant you a visa for the purpose of migrating to the United States.

The possibility for a reconsideration of your immigration matter could be made only if the court would again reopen your case on the strength of a newly introduced legislature, whereby a change of "guilty" would be corrected to read "not guilty."

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A mere erasure of the verdict from the penal register, however, cannot change the decision of the general consulate regarding the matter.

Yours very truly,

(Signed) JOANNE V. WINN,
American Vice Consul
(For the General Consul).

NOTE.—Your personal documents are hereby returned to you as per enclosure.

I, the undersigned, certify that to the best of my knowledge the above is a true and exact translation from German of the attached document.

L. A. LABATT, *Translator.*

STATE OF MICHIGAN,
County of Wayne, ss:

Subscribed and sworn to before me this 29th day of December 1955.

IRENE A. CUNNINGHAM,
Notary Public, Wayne County, Mich.

My commission expires August 17, 1956.

HEADQUARTERS,
35TH ENGINEER BATTALION (COMBAT),
APO 1, United States Army, January 3, 1955.

Subject: Commendation.
To: Sfc. George R. Dunbar, Headquarters, 35th Engineer Battalion (Combat), APO 1 United States Army.

1. Several months ago you were assigned to your present position as intelligence sergeant and chief of reconnaissance section, the latter position being normally filled by a commissioned officer. At that time you expressed a preference for line duty but stated a readiness to do your best on any assignment.

2. Your performance has been consistently of the highest order. You have displayed outstanding ability in organizing and directing reconnaissance activities both in the field and in the office. Through your leadership and the efficient operation of your section, the intelligence and reconnaissance work of this battalion is presently at a high level. In all of your duties you have evidenced a genuine pride and a desire to excel. This spirit is reflected in your section and in the superior results you have achieved.

3. I commend you for your accomplishments and I wish you every success in the future.

DANIEL E. MCDONALD,
Lieutenant Colonel, CE, Commanding.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3100) should be enacted.

O

Calendar No. 2132

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2109

MOSES ROSENBERG

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3208]

The Committee on the Judiciary, to which was referred the bill (S. 3208) for the relief of Moses Rosenberg, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of a crime involving moral turpitude in behalf of Moses Rosenberg.

STATEMENT OF FACTS

The beneficiary of the bill is a 63-year-old native of Rumania, last a citizen of Czechoslovakia, now stateless, who is presently residing in Paris, France, with his wife and daughter. His 2 older children are in the United States, 1 of them in the Armed Forces. He also has 4 brothers and 1 sister who are lawful permanent residents of the United States. He is ineligible to receive a visa because of a conviction in 1954 of simple bankruptcy and abuse of company assets for which he was given a suspended sentence of 2 months' imprisonment and was fined 100,000 francs. It is stated that the beneficiary loaned his personal automobile to the company in which he was a partner and after the company went into bankruptcy he endeavored to have the books reflect that the car should be returned to him.

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The value involved was about $240. Without the waiver provided he will be unable to enter the United States.

A letter, with attached memorandum, dated May 1, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 1, 1956.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3208) for the relief of Moses Rosenberg, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of crimes involving moral turpitude. It would also provide that this waiver shall apply only to grounds for exclusion of which the Department of State and the Department of Justice has knowledge prior to the enactment of this Act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MOSES ROSENBERG, BENEFICIARY OF S. 3208

Information concerning the case was obtained from Rabbi Solomon Rosenberg, brother of the beneficiary.

Moses Rosenberg is a native of Rumania, last a citizen of Czechoslovakia, and now stateless, who was born in 1893. He and his wife, whom he married in 1913, are the parents of three children. The beneficiary, his wife, and their youngest daughter live at 25 Rue Hermel in Paris, France. Two adult children of the beneficiary are lawful permanent residents of the United States.

Mr. Rosenberg, who has been self-employed as a small manufacturer in Paris, France, during the past 10 years, earns approximately $5,000 annually. He owns property valued at $2,000, which includes shop equipment, household furnishings, and personal effects. He completed 12 years of elementary and secondary schooling, 2 years of university training, and 6 years of rabbinical studies in Hungary. His 4 brothers and 1 sister are lawful permanent residents of the United States. His parents are deceased. The beneficiary was convicted of fraudulently converting corporate assets valued at $240 to his personal use. No sentence or fine was imposed as a result of such conviction.

Rabbi Solomon Rosenberg is a naturalized citizen of the United States. He is employed as a real-estate salesman by

the Surety Development Co., of Van Nuys, Calif., and earns $10,000 annually. The residential real-estate development concern for which he works is owned jointly by his brother, Joseph Rosenberg, and his brother-in-law, Samuel Young. Rabbi Solomon Rosenberg was formerly an executive director of the Chicago, Ill., division of the American Jewish Congress.

A letter dated April 19, 1956, to the chairman of the Senate Committee on the Judiciary from the Assistant Secretary of State reads as follows:

APRIL 19, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate.

DEAR SENATOR EASTLAND: I refer to your letter of March 14, 1956, requesting a report of the facts in the case of Moses Rosenberg, the beneficiary of S. 3208 which was introduced by Mr. Dirksen on February 16, 1956.

The records of the Department contain a report dated January 23, 1956, from the Embassy at Paris indicating that Mr. Rosenberg was refused a visa on December 1, 1955, under section 212 (a) (9) of the Immigration and Nationality Act as a person who was convicted of a crime involving moral turpitude by reason of a conviction on January 18, 1954, in the Criminal Court of the Seine for bankruptcy and violation of article 402 section 3 of the French Penal Code and was given a suspended sentence of 2 months' imprisonment and of 100,000 francs. There are enclosed copies of translations of court records in the case.

Sincerely yours,

ROBERT C. HILL,
Assistant Secretary
(For the Secretary of State).

[Translated from the French]

21040
January 18th 1954
11th Chamber

EXTRACT FROM THE RECORDS OF THE OFFICE OF THE CLERK TO THE TRIBUNAL OF FIRST INSTANCE OF THE DEPARTMENT OF THE SEINE, SITTING AT THE LAW COURTS OF PARIS

At the hearing in open court, of the Police Court (Tribunal Correctionnel) in the Eleventh Chamber, on January eighteenth, one thousand nine hundred and fifty four.

For the Public Prosecutor
Versus
Rosenberg Mozes, residing at number twelve rue Charles Nodier in Paris, of no profession

Levy * * *
"Simple Bankruptcy," Abuse of Company Assets.
THE COURT * * *

Whereas it appears from the facts and documents in the case, that in Paris, in the year nineteen hundred and fifty two, Rosenberg Mozes and Levy Pierre being managing partners or company at-

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torneys in fact of the company with limited liability "Gueulah Express" which was declared bankrupt by a judgment made by the Tribunal of Commerce of the Seine, on the date of the thirtieth day of May, nineteen hundred and fifty two made themselves guilty of "simple bankruptcy" * * * whereas in the same circumstances as to time and place, the aforenamed did make use of the assets or the credit of the Company in a manner they knew was contrary to the interests of the Company, for personal aims;

Declares Rosenberg Mozes and Levy Pierre to be convicted and guilty of "simple bankruptcy" and of "abuse of Company assets," offences provided for and punished by Articles one and two of the Decree-Law of August eight, nineteen hundred and thirty five, four hundred and two, paragraph three of the Penal Code, thirty eight of the law of March seventh, nineteen hundred and twenty five and four hundred and five of the Penal Code;

Do order Rosenberg to two month imprisonment and one hundred thousand francs fine;

Do say that execution of the imprisonment shall be set aside * * * and jointly and severally to the costs; do fix at a minimum the duration of the imprisonment for debt. Do order the posting of and the publication of the present judgment in accordance with Articles six hundred and forty two of the Code of Commerce.

(Signed) GAGNE.
JOUBERT.

Made and judged by Messrs Gagne, President; Morel Judge; Peuronnie, Judge. In the presence of Mr Oneto, deputy Public Prosecutor, assisted by Joubert, Clerk to the Court.

Registered in Paris, on February ninth, nineteen hundred and fifty-four.

Balance of account due : two thousand nine hundred francs.

(Signed) PLANCHE.

A true extract, delivered by Us, Clerk to the Court undersigned, this twelfth day of January nineteen hundred and fifty five.

Without appeal.

[THE SEAL] (Signed) (Illegible.)

I, Rene Hasselot, Translator duly sworn, appointed and admitted to the Cour de Cassation of Paris, France, do hereby certify that the foregoing is a true and correct translation of the document in French language visaed by me "ne varietur" under No. 4453.

Paris, May 9th 1955.

R. HASSELOT.

Senator Everett McKinley Dirksen, the author of the bill, has submitted numerous letters and documents in connection with the case, among which are the following:

WASHINGTON, D. C., *December 23, 1955.*

Re Moses Rosenberg.

Hon. EVERETT DIRKSEN,
United States Senate, Washington, D. C.
(Attention: John Gomien, Administrative Assistant.)

DEAR MR. GOMIEN: In accordance with my understanding with Rabbi Rosenberg, I am sending you a memorandum covering the facts of his brother's case.

I discussed this matter with the Visa Division, and they indicated that it would be desirable if we could obtain Dr. Gsvoski's views on this at the Library of Congress. I am attaching a memorandum which you may find it convenient to transmit to Dr. Gsvoski.

Very truly yours,

JACK WASSERMAN,
Counselor at Law.

MEMORANDUM RE MOSES ROSENBERG

Moses Rosenberg was convicted in Paris of simple bankruptcy, abuse of company assets, on January 18, 1954, in the 11th Chamber of the Police Court of the Seine (Tribunal Correctionnel).

It appears that Moses Rosenberg was a partner in the firm of Gueulah Express which became bankrupt. He had permitted the firm to utilize his automobile and later had the firm's books indicate that the automobile was to be returned to him. He was convicted because of this conduct. The conviction was under section 402 and section 405 of the French Penal Code. His sentence was for 2 months' imprisonment and 100,000 francs, which sentence was suspended.

The issue presented by the case is this: If this crime involves moral turpitude, then Mr. Rosenberg is not eligible to receive a visa to come to the United States. Whether the crime involves moral turpitude is determined according to American standards. If one may be convicted under the French statute, regardless of whether or not one in fact has a criminal or evil intent, then the crime does not involve moral turpitude.

In a similar case involving the fraudulent issuance of a check under French law, the American authorities held that such crime did not involve moral turpitude since under French law one may be convicted merely by writing a check on an account with insufficient funds (Solomon Bronstein, A–4048121). Under French law, such conviction may occur even though an individual believes, in good faith, that he has or will have sufficient funds.

French lawyers advise that the crime of simple bankruptcy is not regarded as serious as the French Penal Code makes a clear distinction between simple bankruptcy and fraudulent bankruptcy. Simple bankruptcy is a mere misdemeanor, and a conviction may be secured when a person is guilty of such relatively innocent faults as heavy expenditure.

With regard to the crime of abuse of company assets, bad faith is required. However, it would appear that in line with the case of Solomon Bronstein which involved the same language, this crime should not be held to involve moral turpitude.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3208) should be enacted.

C

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Calendar No. 2133

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2110

ROBERTO C. BARGAS AND ROSENDA C. BARGAS

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3402]

The Committee on the Judiciary, to which was referred the bill (S. 3402) for the relief of Roberto C. Bargas and Rosenda C. Bargas, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor children adopted by a citizen of the United States the status of nonquota immigrants which is the status normally enjoyed by alien minor children of United States citizens.

STATEMENT OF FACTS

The beneficiaries of the bill are natives and citizens of the Philippines, 15 and 18 years of age, born out of wedlock. Their mother married a United States citizen member of our Armed Forces on September 19, 1949, and he adopted the children in 1950. In addition, the adoptive father has 2 children by a previous marriage and 2 children by his present marriage who were born in the Philippines. The wife, husband, and these four children entered the United States at San Francisco, Calif., on June 29, 1951. Another child was born in the United States in 1953. The family presently resides in Killeen, Tex., while the beneficiaries reside in the Philippines and are being supported by their adoptive father. Informa-

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tion is to the effect that it is a great financial and psychological strain on the entire family to be separated.

A letter, with attached memorandum, dated May 7, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 7, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3402) for the relief of Roberto C. Bargas and Rosenda C. Bargas, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the San Antonio, Tex., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien children pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the children shall be considered the natural-born alien children of a United States citizen.

As quota immigrants the children would be chargeable to the quota for the Philippines.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICES FILE RE ROBERTO C. BARGAS AND ROSENDA C. BARGAS, BENEFICIARIES OF S. 3402

Information concerning the case was obtained from M. Sgt. Alberto Bargas, the adoptive father of the beneficiaries.

Roberto C. Bargas and Rosenda C. Bargas, natives and citizens of the Philippines, were born on December 16, 1940, and February 28, 1938, respectively. They have never been in the United States. They are the illegitimate children of Mrs. Paulina Cruz Bargas, who was married on September 19, 1949, in the Philippines to Sgt. Alberto Bargas, the interested party in their cases. They were adopted in a court of the Philippines on June 1, 1950, by Sergeant Bargas. Both children are attending school in the Philippines and are being supported by their adoptive father.

Sgt. Alberto Bargas, who is a native of the Philippines and who has been a member of the United States Army since July 30, 1930, was naturalized as a United States citizen on September 24, 1946, in the Philippines. He has been married twice, the first marriage having terminated in March 1945 by the death of his wife in the Philippines. He has 4 children who were born in the Philippines, 2 by each marriage. His present wife, Paulina Cruz Bargas, who is a native of the Philippines, and the four children were admitted to the

United States at San Francisco, Calif., on June 29, 1951 and are residing with him at Killeen, Tex. The wife and four children are citizens of the United States, the wife by naturalization on January 13, 1956, and the children either by birth or by derivation. Sergeant Bargas has one child who was born in the United States on February 11, 1953. His salary and family allowances from the Army amount to $408.95 a month. He has $2,000 in a savings account, but has no property other than an automobile and household effects.

Senator Price Daniel, the author of the bill, has submitted the following information in connection with the case:

PUTMAN & PUTMAN

LAWYERS

SAN ANTONIO, TEX., *February 2, 1956.*

Re Roberto and Rosenda Bargas, Immigration File Nos. VP 14-546, VP 14-547

Senator PRICE DANIEL,
Senate Office Building,
Washington, D. C.

DEAR SENATOR DANIEL: I am writing you on behalf of Sgt. Alberto Bargas who is stationed at Fort Hood, Tex. Knowing that you are very busy I don't want to make my letter too detailed but at the same time I want to give you all the pertinent facts in this case. It is one in which I as an attorney have exhausted all possible remedies, but because of the tragic elements of the case I am placing the whole thing before you.

Sergeant Bargas is a naturalized citizen of the United States who was formerly a citizen of the Philippine Islands. His wife is Pauline Cruz who became a naturalized citizen about 3 weeks ago. These people were married in 1949. They have three children who are United States citizens. He has two children by a former marriage. The wife and five children have been admitted to the United States and are presently living with the sergeant at Killeen, Tex.

Before the marriage between Sergeant Bargas and Pauline Cruz she lived out of wedlock with another man in the Philippines. Two children, Roberto and Rosenda, were born during this relationship. It is these two children that constitute the problem. The two children are admittedly illegitimate children. However, Sergeant Bargas legally adopted them in the Philippines on June 1, 1950. Before and after the adoption he has assumed all parental obligations toward them. As a matter of fact it is causing a serious economical strain on him having to send money to these two children who are going to school in the Philippines.

Sergeant Bargas has been trying to get them visas for the past 4 years but has had no success. The big trouble is that the quota for the Philippine Islands is only about 100 per year. The quota requirements are presently oversubscribed and no one could estimate how many years longer they would have to wait before coming to the United States.

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I represented Sergeant Bargas in a hearing before the Immigration Service and at that time contended that they were admissible to the United States as nonquota aliens under section 1101 (a) (27) as being children of Sergeant Bargas. I argued that because of the adoption they could be considered stepchildren and hence so admissible. I cited a number of authorities in my brief supporting my contention. The Immigration Service held that they were not children as contemplated under the act and hence not admissible as nonquota. What was particularly irksome about it was that they could quote me no judicial authority for so holding, but arbitrarily decided it was the law in spite of the law I had cited.

I am not writing you at this time to be critical of the Immigration Service. My only purpose in writing is to see if I can get some help from you for these people. The situation has developed to the point where Mr. Bargas is running in debt because of the obligations created as a result of this situation. His wife has lately developed the feeling that he is responsible for the whole unfortunate situation and, of course, this has increased his problems. I am sure you will see that a situation such as this does nothing for the morale of a soldier. The only way I can see that this situation could be remedied would be if you would consider passing a private bill on behalf of the two children allowing them to come to the United States. Of course, the act could be amended so that adopted children in cases similar to this could be classified as nonquota citizens and in that way effect an entry into the United States.

I can't recall of a case where I have seen a family so badly in need of help. I would deeply appreciate anything you can do along the lines I have suggested. If there is any further information you need, please advise me and I will submit it to you immediately.

Very truly yours,

JOE REID.

FEBRUARY 29, 1956.

Hon. PRICE DANIEL,
United States Senate, Washington, D. C.

DEAR SENATOR DANIEL: This will acknowledge the receipt of your communication of February 16, 1956, with which was enclosed the attached letter from Mr. Joe Reid, of the firm of Putman & Putman, lawyers, 1000 Transit Tower, San Antonio, Tex. Mr. Reid writes in the behalf of Sgt. Alberto Bargas, of Fort Hood, Tex., who is desirous of bringing his two adopted children, Roberto and Rosenda Bargas, who were born to his wife out of wedlock previous to their marriage, to the United States from the Philippine Islands.

There are attached self-explanatory copies of a report from the field office of this Service concerning a petition for the issuance of immigrant visas submitted by Sergeant Bargas in behalf of the children. It will be noted that the children cannot be accorded nonquota status under the provisions of section 101 (a) (27) (A) of the Immigration and Nationality Act in view of a ruling of June 2, 1953, of the Attorney General in which he held that a child born out of wedlock prior to the marriage of a woman to a United States citizen who is not the father of the child is not a stepchild within the meaning of section 101 (b) (1) (B) of the Act.

Sincerely,

———— ————, *Commissioner.*

[Enclosure]

On January 7, 1953, petitions for issuance of immigration visas, form I–133, submitted by Alberto Bargas, with Roberto C. Bargas and Rosenda C. Bargas as beneficiaries, were approved for nonquota status by this office and forwarded to the State Department. On March 14, 1955, information was received from the State Department to the effect that it had been determined that the parents of the beneficiaries named above had never been married to each other, the conclusion being reached that since the parents were never married the children were not entitled to nonquota status under section 101 (a) (27) (A) of the Immigration and Nationality Act.

This office on March 17, 1955, advised Alberto Bargas regarding the foregoing and advised him that it was proposed to revoke the approval previously given his petition. He was given opportunity to answer and give his reasons why the approval should not be revoked. On April 19, 1955, Alberto Bargas was advised that the approval of his visa petitions was being revoked on notice for the reason that the United States Embassy at Manila, Philippine Islands, had officially notified this Service that it had received information, considered reliable, to the effect that the true parents of these beneficiaries were not legally married. He was advised that in view of this it would appear that Roberto C. Bargas and Rosenda C. Bargas could not be considered as his stepchildren within the meaning of current immigration laws and that they were not therefore entitled to nonquota classification.

The petitioner appealed from this decision to the Board of Immigration Appeals and such Board made its decision on July 1, 1955. This appeal was accompanied by a brief submitted by Attorney Joe Reid, who appealed for the petitioner. The Board held that the beneficiaries could not be considered as stepchildren within the meaning of section 101 (b) (1) (B) of the Immigration and Nationality Act. Counsel for petitioner requested reconsideration of the case and such reconsideration was given by the Board on December 15, 1955. The Board made no change in its former decision. In its decision of July 1, 1955, the Board concluded that the beneficiaries, as adopted children of the petitioner, were entitled to preference status under section 203 (a) (4) and ordered that the petitions be approved for that classification.

Nothing has transpired in these cases on the local level since December 15, 1955.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3402) should be enacted.

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Calendar No. 2134

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2111

ELIZABETH M. A. DE CUEVAS FAURE

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3579]

The Committee on the Judiciary, to which was referred the bill (S. 3579) for the relief of Elizabeth M. A. de Cuevas Faure, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to retain her United States citizenship, provided she returns to the United States within 2 years following the effective date of the act.

STATEMENT OF FACTS

The beneficiary of the bill is a 27-year-old citizen of the United States who was born in France of an American mother and a Chilean father. She acquired American citizenship through the naturalization of her father and lived in the United States until she was 19 years of age. She then went to France to continue her studies and married a citizen of France, but did not renounce her United States citizenship. The couple has been living in Paris since 1953 and after June 8, 1956, the beneficiary will have lived in the land of her birth for 3 years, thereby losing her United States citizenship.

A letter, with attached memorandum, dated May 24, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 24, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3579) for the relief of Elizabeth M. A. de Cuevas Faure, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would exempt the beneficiary from the provision of section 352 (a) (1) of the Immigration and Nationality Act which provides that naturalized citizens shall lose United States citizenship by reason of subsequent continuous residence for 3 years in the territory of a foreign state of which they were formerly nationals or in which the place of their birth is situated, provided she returns to the United States for permanent residence within 2 years following the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELIZABETH M. A. DE CUEVAS FAURE, BENEFICIARY OF S. 3579

Information concerning this case was obtained from Mr. Thomas C. Cairns, private secretary to Mrs. Margaret de Cuevas, the beneficiary's mother.

The beneficiary, Elizabeth Mary Alexandra Faure, nee de Cuevas, was born on January 22, 1929, at St. Germain-en-Laye, France. Her mother, a granddaughter of the late John D. Rockefeller, is a native-born citizen and resident of the United States. The beneficiary acquired United States citizenship through the naturalization of her father, George de Cuevas, a former Chilean national, on July 25, 1940. Her only other close relative is a brother, a native-born United States citizen, who is presently serving in the Armed Forces of this country.

The beneficiary married Hubert Faure, a native and citizen of France, on August 31, 1948, at Paris, France. They returned to the United States on April 26, 1950, at which time Mr. Faure was admitted for permanent residence. He last departed from the United States on April 28, 1953. The beneficiary departed from the United States in June 1953 and joined her husband in Paris where they have continued to reside except for a visit the beneficiary made to the United States, arriving at New York on January 30, 1956, and departing from the same port on April 4, 1956. Mr. Faure is employed in Paris by an American firm, the Otis Elevator Co., as a commercial manager. Mrs. Faure has a separate annual income of $16,000 from a trust fund.

A letter dated May 16, 1956, to the chairman of the Senate Committee on the Judiciary from the Assistant Secretary of the Department of State reads as follows:

MAY 16, 1956.

Re S. 3579, for the relief of Elizabeth M. A. de Cuevas Faure

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate.

DEAR SENATOR EASTLAND: The files in the Passport Office show that Elizabeth M. A. de Cuevas Faure was born in France on January 22, 1929, of an American mother and a Chilean father who was naturalized on July 25, 1940. Mrs. Faure therefore acquired American citizenship through her father's naturalization.

Mrs. Faure went to France in June 1948 to study, and in August was married to a French citizen who is at the present time employed by an American concern in France. She has had a residence in France since June 9, 1953, and therefore the provisions of section 352 (a) (1) will be applicable in her case on June 8, 1956, if she continues to reside in France beyond that date.

Under the provisions of S. 3579 Mrs. Faure would be permitted to reside in France beyond June 8, 1956, and still retain her United States citizenship, provided she returns to the United States for permanent residence within 2 years following the effective date of S. 3579.

The Department of State interposes no objection to the enactment of this legislation.

Sincerely yours,

ROBERT C. HILL,
Assistant Secretary
(For the Secretary of State).

Senator Irving M. Ives, the author of the bill, has submitted the following letter in connection with the case:

NEW YORK, *March 28, 1956.*

Mr. GEORGE IVES,
Office of Senator Irving M. Ives,
Senate Office Building, Washington, D. C.

DEAR MR. IVES: In accordance with the conversation held yesterday with Mr. Schanzer of this office, we are transmitting the following information with respect to the submission of a private bill for the benefit of Mrs. Elizabeth M. A. de Cuevas Faure, a naturalized American citizen. Her present passport expires on June 8, 1956, and she has been advised that it will not be renewed because of her residence during the past 3 years in France, the country of her birth.

Mrs. Faure was born on January 22, 1929 in St. Germain-en-Laye, France. Her father is George de Cuevas, who was born on May 26, 1885 in Santiago, Chile. Her mother is Margaret Strong de Cuevas, a native-born United States citizen, who was born on June 11, 1897, at Pocantico Hills, N. Y. Mrs. Faure's mother is the granddaughter of John D. Rockefeller, Sr.

At the time of Mrs. Faure's birth, her father was not an American citizen, but he became a naturalized American citizen on July 25,

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1940 at a term of the common pleas court, Ocean County, Toms River, N. J. He has continued to hold the status of a naturalized American citizen.

Mrs. Faure first came to the United States either in the latter part of 1929 or the beginning of 1930 on her father's passport. From the date of such entry until June or July of 1948 Mrs. Faure continuously resided in the United States except for periodic visits abroad.

From 1940 to 1947 she traveled on her father's American passport and in 1947, on the occasion of one of her short visits abroad, she secured her own passport.

From 1946 to 1948 Mrs. Faure was a student at Vassar College.

On August 31, 1948, Mrs. Faure was married in France and formally renounced French citizenship which became available on the occasion of her marriage. Thereafter she returned to New York on several occasions and then in the fall of 1950 returned to the United States with her husband. Aside from a summer trip to France in 1951 she and her husband remained in the United States until June 1953.

During the fall of 1952 Mrs. Faure's husband (Hubert Faure) was employed by Otis Elevator Co., and performed his services in New York.

In May 1953 Mr. Faure was assigned to the Paris office of Otis Elevator Co., and left the United States on such assignment. Mrs. Faure followed him 1 month thereafter, on June 9, 1953. Mr. Faure has remained abroad on the same assignment as an employee of Otis Elevator Co. (an American corporation) to date. Mrs. Faure has remained in France since June 1953, but has returned to the United States periodically.

Mrs. Faure has paid United States income taxes as an American citizen and has also paid New York State income taxes as a resident of New York State throughout this entire period. Her residence in New York is 54 East 68th Street.

Mrs. Faure's brother, John D. A. de Cuevas, was born in New York City on October 6, 1930, is a graduate of Harvard University, studied law at the University of Virginia and at New York University, and is presently serving in the United States Army.

From the foregoing, it appears that Mrs. Faure's residence abroad during the past 3 years has not been evidence of any desire on her part to surrender her American citizenship nor to return to the country of her birth. Her family and her assets are in the United States, and it is evident the sole reason for her presence abroad during this period has been the temporary assignment of her husband to France as an employee of an American corporation.

The following is suggested as the text of the private bill. This has been drafted by the Passport Bureau, and is the type of bill which the Bureau itself would support:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provision of paragraph (1) of subsection (a) of section 352 of the Immigration and Nationality Act shall not be held to be applicable to Elizabeth M. A. de Cuevas Faure: *Provided*, That she return to the United States for permanent residence within two years following the effective date of this Act."

It is our understanding that similar private bills for this type of relief have been enacted in the past. Of course, if it were possible to have a private bill passed which would not contain the proviso, it would serve Mrs. Faure's purposes to a much greater degree. We believe, however, that it is probable that the Passport Bureau would oppose such private bill, even though it would be ready to support the bill suggested above.

If there is any further information which you may feel may be required in connection with either the preparation or the submission of the bill, we would be very happy to supply it. We sincerely appreciate your cooperation in this matter.

Very truly yours,

HOOKER, ALLEY & DIMCAN,
Counselors at Law.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3579) should be enacted.

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Calendar No. 2136

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2113

HSU JEN-YUAN, ALSO KNOWN AS JOSEPH JEN-YUAN HSU

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2069]

The Committee on the Judiciary, to which was referred the bill (S. 2069) for the relief of Hsu Jen-Yuan, also known as Joseph Jen-Yuan Hsu, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof, the following:

That, Notwithstanding any other provision of the Immigration and Nationality Act, Hsu Jen-Yuan, also known as Joseph Jen-Yuan Hsu, shall be held to be classifiable as a nonimmigrant student under section 101 (a) (15) (F) of the Act and permitted to remain in the United States for a period of not more than three years, or until such time as he obtains his doctor's degree, whichever occurs sooner.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to preserve for Hsu Jen-Yuan, also known as Joseph Jen-Yuan Hsu, the status of a nonimmigrant student in the United States under section 101 (a) (15) (F) of the Immigration and Nationality Act.

STATEMENT OF FACTS

The beneficiary of the bill is a 29-year-old Chinese who entered the United States at San Francisco, Calif., on January 27, 1952, when he

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was admitted as a student. He graduated in June 1954 from Monmouth College, Illinois, with a degree of bachelor of science in physics. He is employed as a graduate teaching assistant in the Department of Physics, University of Nebraska, at Lincoln. He applied for adjustment of status under the Refugee Relief Act and his application was denied. It is stated that he was not aware that he would lose his student status if he failed to obtain relief under the Refugee Relief Act. It is further stated that he plans to do postgraduate study in atomic physics.

A letter, with attached memorandum, dated August 9, 1955 to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 9, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2069) for the relief of Hsu Jen-Yuan, also known as Joseph Jen-Yuan Hsu, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Omaha, Nebr., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HSU JEN-YUAN, BENEFICIARY OF S. 2069, 84TH CONGRESS

Hsu Jen–Yuan, also known as Joseph Jen-Yuan Hsu and Jen-Yuan Hsu, born March 25, 1927, at Peiping, China, is of the Chinese race and is a citizen of China. He is unmarried and resides at the YMCA, Lincoln, Nebr. He is employed as a graduate teaching assistant, Department of Physics, University of Nebraska, Lincoln, Nebr. Mr. Hsu graduated in June 1954 from Monmouth College, Monmouth, Ill., with a degree of bachelor of science in physics and is doing postgraduate study in atomic physics. His income is $1,350 per year. He has assets of $350 and outstanding debts amounting to $750.

The beneficiary's parents, Wang-Chih Hsu and Ping-Hing Hsu, reside at 8 Lane 527, Suiteh Terrace, Chengtu Road, Shanghai, China. He has no other relatives. Mr. Hsu resided in Taipei, Formosa, from 1949 to 1952, where he was employed by the Joint Commission of Rural Reconstruction.

The beneficiary's only entry to the United States was as a student at San Francisco, Calif., on January 27, 1952. Extensions of stay were authorized to January 26, 1954. Mr. Hsu's application for adjustment of immigration status under section 6 of the Refugee Relief Act of 1953 was denied on March 15, 1955. Deportation proceedings were instituted against him on June 21, 1955, on the ground that he had failed to comply with the conditions of his status as a student and a warrant of deportation was issued on July 11, 1955.

Mr. Hsu has had no military service and is not required to be registered under the Universal Military Training and Service Act.

A letter dated May 18, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with further reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: This refers to the report furnished by this Service to the committee on August 9, 1955, relative to Hsu Jen-Yuan, also known as Joseph Jen-Yuan Hsu, beneficiary of private bill S. 2069, 84th Congress.

The following additional information has been received concerning this beneficiary:

The interested party advised that it was his intention to seek legislation to permit the beneficiary to remain in the United States until his education is completed, not legislation to grant him permanent residence, as this bill would do. The interested party suggested correction of this bill. The beneficiary is studying for a doctor's degree in nuclear science, and the period of time required to complete his education cannot be established.

Sincerely,

J. M. SWING, *Commissioner.*

Senator Roman L. Hruska, the author of the bill, has submitted the following letter in connection with the case:

RAYMOND E. MCGRATH
ATTORNEY AT LAW

OMAHA, NEBR., *May 20, 1955.*

Hon. ROMAN L. HRUSKA,
United States Senator,
Senate Office Building, Washington, D. C.

DEAR ROMAN: Here is a case that I think will require special and immediate attention.

Joseph Hsu, who was sent to me by Chief Justice Simmons, in the light of all of the facts and circumstances of his case, faces immediate deportation.

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His background is outlined in his letter to Judge Simmons, a copy of which is enclosed. The decision of the United States Immigration Service is set forth in the report filed by Turner A. Cochran, dated March 15, a copy of which is attached.

The law involved is section 6 of the Refugee Relief Act of 1953, excerpt from which is attached.

The applicant is a part-time instructor and an advanced student of nuclear physics at Nebraska. His immediate status as a student which has been renewed from year to year, during the time that he has pursued his studies was automatically canceled on his application for permanent status. This he did not know would happen when erroneously he thought he qualified under section 6 for permanent status.

The fact is that he has twice fled the Communists and cannot return to his real home, although his residence for admission purposes was Formosa.

I have visited with this young man and I am very favorably impressed and if we can help I would like to do so. It appears that his case is in a way more aggravated than those cases which the statute was drawn to meet. Would a special act, or a private bill be possible in this case in order to see that justice is done?

Please advise me at your earliest convenience as I have discussed the case with Mr. Chamberlain in the Immigration office here, and he advises me that on the basis of the record, the young man is subject to deportation within a reasonable time.

Cordially,

RAYMOND E. MCGRATH.

To: Hon. Robert G. Simmons, Chief Justice of the Supreme Court of Nebraska.
From: Joseph Hsu, Lincoln, Nebr.
Subject: Appeal for adjustment of status.

Upon receiving the proposed order on my application for adjustment of immigration status under section 6 of the Refugee Relief Act of 1953, as amended, from the Immigration and Naturalization Service, Omaha, Nebr., I understand that my application for a permanent residence in the United States is proposedly rejected. Owing to my situation different from the ordinary cases, I venture to solicit your more favorable judgment and action toward the approval of the adjustment of status.

It has been 3 years since I embarked legally to the United States. Having secured a scholarship in Monmouth College, Monmouth, Ill., I came to study physics and worked my way through college. Last summer, 1954, I obtained a Bachelor of Science degree in physics. Now I am having a half-time teaching assistantship and pursuing my advanced study in nuclear physics in the Department of Physics, University of Nebraska, Lincoln.

I was born in Peiping, China. We have a family of 8 members; a grandmother, father, mother, 2 brothers and 2 sisters. My father had been a lawyer, a writer soon after he graduated in Peiping University. He is a disciple of Confucianism, so his writings center on achieving harmony in human relations. By the time I fled the Communist China, my father had served in the Bank of China for about 20 years. He had never had any partisan affiliation, nor engaged in

political life. I spent my childhood attending grade school in Peiping, China. Until the age of 8 my whole family left for Cheefoo, Shantung Province, where my father was the manager of the Bank of China. About 2 years later, due to the tense situation before the Sino-Japanese War, my family moved to Shanghai, China, where I finished my grade- and high-school education during the Japanese occupation. After VJ-day, my father resumed his office in Tsingtao and at the same time being the manager of Yi-Ming Oil Manufacturing Co. to supply the cooking oil for the five coastal provinces. Luckily enough, I passed the competitive entrance examination to enter Tsing-Hua University, Peiping, China, studying aeronautical engineering and spent vacations home at Tsingtao, Shantung Province.

No sooner had Manchuria been controlled by the Communists, Peiping and Tsentsin were surrounded. I was beseiged in the city. Although my father sent me a reservation plane ticket to catch up the last plane, I intended to stay there in order to personally witness what would happen under the Communists' rule. After observing 3 months, I decided to flee the Communists, since their actions did not coincide with what they preached. Merchant truck was the only means available to take me back to Tsingtao. It took me 5 long weary days to cover a trip of only 600 miles. By the time I reached home, my family had evacuated to Shanghai due to the military situation, although the United States Navy still stationed there. Then I met my folks in Shanghai. It was April 1949. At that time, the Communists were about to get across the Yangtze River in order to occupy the whole mainland. Unfortunately, the Communists made the move in May and succeeded in taking over the entire mainland with minor resistance. In order to finish my study I had to flee again. There was no alternative; otherwise I would be forced to work for the Communists to which I deeply resented. My parents agreed to my departure and successfully arranged for me to flee by means of a fishing boat to Chou-shan Islands where I could secure an entry permit to Formosa. Beyond my expectation, I waited there on Shen-chia-meng for 52 days and finally obtained the permit. After tremendous hazard, I embarked on Formosa with a definite intention and will to finish my study and live under freedom and justice. There I worked as a typist and secretary in a firm, Olivier Chine, S. A., Taipei branch office, for a year. Then I had a chance to pass a competitive examination to be a translator in JCRR-ECA (Joint Commission on Rural Reconstruction and Economic Cooperation Administration). A few months later I was doing budget control in the executive office of JCRR under Dr. Y. S. Tsiang, the executive officer. There I saved my earnings and secured a scholarship in Monmouth College, Monmouth, Ill., and resigned my post and legally embarked on San Francisco on January 27, 1952.

It has been 3 years since I came to the States. I have carefully studied the American way of life and have made the necessary adjustments to the American culture. I do appreciate the democratic practices in all parts of the communities. It is not the luxuries of life that I care for, but rather the flag of stars and stripes of freedom and justice that is so enchanting under which all human beings are equal and can lead decent lives. So I intend to spend the rest of my life in supporting freedom and justice and seeking for truth.

In September 1953 I read the News Letter prepared by the Chinese Students and Alumni Services in Chicago, and noticed that a new

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law of amendment under section 6 of the Refugee Relief Act had been in force. I considered that I was eligible and started to apply for the adjustment of status through the Immigration and Naturalization Office, Chicago, without recognizing the severe consequence in case of denial. Now I am facing a crisis. In observing the United States foreign policy, Formosa will eventually be lost to Red China, not because I do not have faith in the free world, but because I do not have confidence that Nationalist China has the ability and power to resist Communist' aggression. In case it so happens and if I were in Formosa, I do not believe that I can possibly flee the Communists again. Since I am studying nuclear physics, I do believe that I can render more service to the free world than to die on the battlefield, not because I am afraid of death, but because of the fact that it is not necessary to waste my life for an unworthy course. So I strongly appeal to your most kind assistance in securing the approval of adjustment of status for permanent residence. Any assistance and help from you will be greatly appreciated.

Dated May 18, 1955.

In addition, Senator Alexander Wiley submitted the following memorandum in connection with the case:

Re S. 2069

(Pertinent portions of letter from Mrs. C. E. Rinehard, of 709 West Willow Street, Chippewa Falls, Wisc. She is the wife of the circuit judge in Chippewa. She is a high-grade responsible woman and a personal friend of mine)

At the present time I am writing you in behalf of a young Chinese student in whom we are very much interested. A special bill has been introduced in the first session of the 84th Congress (S. 2069) by Senator Roman Hruska, Nebraska. Judge Rinehard and I are both hopeful that this bill will have favorable consideration because we know Joseph Hsu and have learned not only to like him but to have every confidence that he is the type of young Chinese student who will be most helpful to his country, and to ours, if ever he is able to return. He spent Christmas 1955, with us.

At the present time Joseph Hsu is working awaiting the outcome of this bill and earning money to continue his studies in the University of Nebraska. He is a Christian having become a Christian in Formosa before he came to this country.

His father urged him to leave China while he could because he knew that he (the father) was scheduled for brain washing by the Communists. Enclosed is Joseph's own story as he wrote it to Hon. Robert G. Simmons, chief justice of the Supreme Court of Nebraska. Justice and Mrs. Simmons have been very interested in his case. For 6 years Joe has had no contact with any member of his family knowing that if he writes them he will then be missed and the family will suffer.

Joseph did not realize that in making application for permanent status he would lose his student visa.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2069), as amended, should be enacted.

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Calendar No. 2137

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2114

WACLAW TADEUSZ NOWOSIELSKI

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2793]

The Committee on the Judiciary, to which was referred the bill (S. 2793) for the relief of Waclaw Tadeusz Nowosielski, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof, the following:

That, in the administration of the Immigration and Nationality Act, the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Waclaw Tadeusz Nowosielski. From and after the date of enactment of this Act, the said Waclaw Tadeusz Nowosielski shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to cancel the outstanding deportation proceedings in the case of Waclaw Tadeusz Nowosielski and to provide that he shall not again be subject to deportation by reason of the same facts on which the present proceedings are based.

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STATEMENT OF FACTS

The beneficiary of the bill is an unmarried 32-year-old native and citizen of Poland who entered the United States for permanent residence as a displaced person at New Orleans, La., on November 29, 1950. On the way to his sponsor, a farmer residing in Colorado, the beneficiary was persuaded by someone else to find employment to his liking. By failing to abide by the terms of employment, it was decided that he procured his visa through fraud. He is presently employed in Kansas City, Mo. and has no close relatives in the United States. It is stated that he fears to return to Poland because he would be subject to physical persecution and would be sent to a concentration camp.

A letter, with attached memorandum, dated March 20, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 20, 1956.

CHAIRMAN, COMMITTEE ON THE JUDICIARY,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2793) for the relief of Waclaw Tadeusz Nowosielski, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Kansas City, Mo., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Poland.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE WACLAW TADEUSZ NOWOSIELSKI, BENEFICIARY OF S. 2793

The beneficiary, Waclaw Tadeusz Nowosielski, also known as Walter T. Nowosielski, a native and citizen of Poland, was born on June 18, 1923. He has never married and resides at 7105½ Truman Road, Kansas City, Mo.

The beneficiary is employed as a sander in a factory. He completed 9 years of school. He is presently earning $50 a week and has no assets. A brother resides in Poland. He has no close relatives in the United States.

Mr. Nowosielski entered the United States for permanent residence as a displaced person at New Orleans, La., on November 29, 1950. Deportation proceedings were instituted on the ground that he had procured his visa through fraud or misrepresentation because he failed to abide by the terms of employment contained in the assurance resulting in

the issuance of his visa. On May 2, 1952, he was ordered deported.

The beneficiary has submitted an application for a stay of deportation on the ground that he would be subject to physical persecution if deported to Poland. No decision has yet been rendered on this application.

The beneficiary is not required to be registered under the Universal Military Training and Service Act because of his age. He has had no military service.

Senator Thomas C. Hennings, Jr., the author of the bill, has submitted the following letter in support of the bill:

KANSAS CITY, MO., *December 5, 1955.*

Hon. THOMAS C. HENNINGS, Jr.,
United States Senator,
Senate Office Building, Washington, D. C.

DEAR SENATOR HENNINGS: I have collected as much information as I can about Waclaw Tadeusz Nowosielski and I will detail it hereafter.

Mr. Nowosielski goes by the name of Walter Nowosielski here in the United States, for understandable reasons. At the present he resides at 7105½ Truman Road, a roominghouse. He is presently employed by the Benson Manufacturing Co. where he has worked for over 4 years, his present job being a spinner and polisher, working on magnesium or aluminum airplane parts. His take-home pay each week is approximately $59.

Nowosielski was born June 18, 1923, at Kalisz, Poland. His father's name was Boleslaw Nowosielski, and his mother's name was Marta Nowosielski, both of whom were born and lived in Kalisz, and are now deceased. Nowosielski is unmarried, has no children, and has never previously married. He has no relatives living in the United States. He tells me that no member of his family has ever been insane or has any serious physical disability to his knowledge. He himself is in good health and is not disabled in any way. He has one brother whose name is Wadislaw Nowosielski who lived in Kalisz, Poland. He has not seen his brother in 17 years and has not heard from him in 3 years but believes he may still live in Poland.

Nowosielski attended primary school for 7 years in Kalisz and then, at the age of about 15 years, enrolled in a technician's school in the same town where he was trained as an electrician. He was in this school for approximately 2 years when the war came and the Germans invaded Poland. The Germans took Nowosielski for forced labor and for the years 1939–42 he worked on farms in Germany as a farmer and laborer. In about 1945 he was sent to the town of Gelsenkirchen, Germany, where he worked in a factory, doing electrical work and whatever work was required of him. He was liberated by the Americans in 1945 and was sent to Hamm, Germany, where he worked for the American Army at various posts in Germany. He worked in various capacities and was enlisted as a private in the 4087th Labor Service Company (Polish Guard) attached to the 85th Labor Supervision Company in Butzbach, Germany.

Nowosielski entered the United States at New Orleans, La., on November 29, 1950, being admitted under section 2 (c) of the act of June 25, 1948, as amended (Public Law 774). He had applied for and

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received an immigration visa while in Germany and was supposed to go to Sedgwick, Colo., for the purpose of taking up residence and employment as a farmer and handyman for one James B. Jankovsky. When he was in the Kansas City Union Station awaiting a change of trains, he was met by a resident of Kansas City, a Dr. S. J. Sulkowski, 1601 Belmont, who was there as a representative of Polish groups meeting and befriending immigrants of Polish nationality. In the course of his conversation with Dr. Sulkowski, Nowosielski was advised by the doctor that conditions in Colorado on farms out there were very bad and he told Nowosielski that he should stay in Kansas City where they could provide him with a good job and he would not have to worry about anything. In response to Nowosielski's statement that he should proceed in accordance with his agreement, Sulkowski assured him that nothing would happen if he did not, that many other people had done the same thing under similar circumstances and that he, Sulkowski, would handle everything that came up in that connection. Despite his misgivings, Nowosielski followed Sulkowski's advice, relying upon the fact that he was a doctor, an impressive-looking and talking person and apparently a person with some authority and considerable experience in such matters. As it turned out, he was very poorly advised and some time later, Jankovsky, the farmer in Colorado, apparently initiated a complaint based on Nowosielski's failure to appear. As a result of this, the Immigration Service instituted an investigation in March of 1951 and they became convinced that Nowosielski had made a false affidavit at the time he made application for his immigration visa to the United States.

Accordingly, deportation proceedings were commenced to revoke Nowosielski's visa on the ground that it had been procured by fraud and misrepresentation. A hearing was held on April 2, 1952, in Kansas City, before Hearing Officer Turner A. Cochran, under file No. A–7912682. At the hearing Nowosielski was not represented by counsel, although the ubiquitous Dr. Sulkowski popped up and agreed, oddly enough, to act as Nowosielski's representative. Testimony was taken through an interpreter, Nowosielski being unable at that time to understand or express himself clearly in English (at the present time he has acquired a rather good understanding of English and ability to speak it).

I have examined the hearing record closely and have interrogated Nowosielski at length and am convinced that he did not willfully make a false statement at the time he made application for his visa and that he would have been perfectly willing and agreeable to proceeding to Colorado as he had initially agreed to do had it not been for the representations and inducements of Dr. Sulkowski. I feel reasonably confident that if a new hearing were held today at which Nowosielski would be adequately represented and at which he understood clearly all that took place, and the questions presented to him, an order of deportation would not be entered. At the present time, I have filed an application for a stay of the deportation order on the ground that Nowosielski is in danger of physical persecution should he be returned to Poland. Based on the information he has given to me, in a sworn affidavit, I should judge that his fears are well founded because of his record of anti-Communist work and service with the United States Army during the German occupation and prior to his entry into this country. He has information which indicates that

other persons who were in the same position as he was in and who were returned to Poland were either liquidated or disappeared from their family and friends, presumably going to Siberia or some other work place in Russia. With that background, and with his 5 years in America, it is easy to see why he should fear for his safety should he be returned to Poland.

Nowosielski has excellent references from all those who know him. I have letters in the files from his foremen and other persons at the Benson Manufacturing Co. and from people who are acquainted with him. To my knowledge, he has no criminal record of any sort and seems to be a very sincere, hardworking person who is entitled to have his chance at acquiring American citizenship. Therefore, I am asking you to do what can be done to initiate a private bill which will permit Nowosielski to remain in this country long enough to acquire his citizenship papers and eventually his full citizenship. Naturally he has hesitated to marry or make any other plans for his future due to his uncertain state at the present time, but should such a bill be introduced and passed, he would probably acquire a wife and family and continue to become a good and productive citizen of our country.

I don't mean to wave flags or wax emotional about this but I do feel that Nowosielski has had a raw deal and I really feel that the administrative proceeding which resulted in his deportation order violated the requirements of due process. Of course, I understand that the Immigration Service has been exempted from the requirements of the Administrative Procedure Act but the proceeding which Nowosielski had resembled very closely the proceeding which the Supreme Court invalidated in the case of *Wong Yang Sung* v. *McGrath*, with which I think you are familiar.

If I can give you any further information or be of any help to you in this matter, I will be very happy to do so.

Yours very sincerely,

GAGE, HILLIX, MOORE, PARK & JACKSON,
By JOHN H. KREAMER.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2793), as amended, should be enacted.

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Calendar No. 2138

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2115

HARRIET E. VAN TASSEL

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2805]

The Committee on the Judiciary, to which was referred the bill (S. 2805) for the relief of Harriet E. Van Tassel, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof, the following:

That, for the purposes of the Immigration and Nationality Act, Harriet E. Van Tassel shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 6, 1950.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Harriet E. Van Tassel as of September 6, 1950.

STATEMENT OF FACTS

The beneficiary of the bill is a 41-year-old native and citizen of Germany who last entered the United States for permanent residence at Noyes, Minn., on August 26, 1953. She had previously entered the United States on September 6, 1950 and married a United States citizen September 23, 1950 who died in August 1955. Her mother was an American citizen and her father died only two weeks before the

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necessary time would have elapsed to acquire his American citizenship. She presently resides in Chicago Heights, Illinois.

A letter, with attached memorandum, dated March 8, 1956 to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 8, 1956.

CHAIRMAN, COMMITTEE ON THE JUDICIARY,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2805) for the relief of Harriet E. Van Tassel, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this Service, which has custody of those files.

The bill would permit the beneficiary to be naturalized upon compliance with all requirements of the title III of the Immigration and Nationality Act, except that no period of residence or physical presence within the United States or any State shall be required in addition to her residence and physical presence in the United States since August 26, 1953, and the petition for naturalization may be filed with any court having naturalization jurisdiction.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE HARRIET E. VAN TASSEL, BENEFICIARY OF S. 2805

The beneficiary, Harriet E. Van Tassel, a native and citizen of Germany, was born July 4, 1914. She married Max T. Schilling, on November 8, 1939, in Breslau, Germany, and was divorced on July 14, 1950, in Braunschwiec, Germany. She next married Kenneth H. Van Tassel, a citizen of the United States, on September 23, 1950. Her husband is now deceased. No children were born to either marriage. The beneficiary resides on East Steger Road, Route 2, Box 106, Chicago Heights, Ill.

Mrs. Van Tassel is a high-school graduate and attended 2 years' finishing school in Switzerland. She is employed as a dental assistant, at a salary of $70 a week. Her assets consist of a trust fund in excess of $50,000, a bank account of about $4,000, personal property of $11,800, and a home valued at $28,000. There is a mortgage of $5,000 on the home. The parents of the beneficiary are deceased. Her sister resides in Switzerland.

The beneficiary was admitted to the United States, as an immigrant for permanent residence at Noyes, Minn., on August 26, 1953.

Senator Everett M. Dirksen, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
January 9, 1956.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: Enclosed is some background and supporting data for consideration in connection with the bill (S. 2805) which I introduced on January 5, 1956, for the relief of Mrs. Harriet E. Van Tassel, widow of the late Kenneth H. Van Tassel, a captain in the United States Army, who died on August 28, 1955.

Captain Van Tassel and the recipient of this bill, who at that time was a national of Germany, were married on September 23, 1950, in Crown Point, Ind. Mrs. Van Tassel subsequently applied for naturalization after securing certain clearances. It was then established that she was scheduled to become a citizen of the United States as of August 26, 1956. However, she has since been informed by authorities of the Department of Justice that she will now have to wait an additional 2 years because her husband is now deceased and therefore cannot avail herself of the privileges which accrued to GI war brides.

In view of the fact that her mother was an American citizen and further that her father, Dr. Heinrich Peters, died only 2 weeks before the necessary time would have elapsed to acquire his American citizenship, I sincerely hope that this proposal may be scheduled for committee consideration with the least possible delay.

With every good wish,
Sincerely,

EVERETT MCKINLEY DIRKSEN.

EXHIBIT 1.—PRINCIPAL CONSIDERATION

(See also exhibit 2)

For the attention of Senate Committee on the Judiciary.

In re S. 2805, Introduced by Hon. Everett M. Dirksen, for the relief of Harriet E. Van Tassel.

INFORMATION ADDENDA

(*a*) The attention of the Senate Judiciary Committee is respectfully directed to the important fact that Harriet E. Van Tassel, as of the date of this informative addenda has enjoyed continual residence in the United States of America since the 6th day of September 1950, being approximately a period of 5 years and 8 months. It is of further importance that her marriage to Capt. Kenneth Van Tassel, recently deceased, encompasses a total period of 5 years and 7½ months (Kenneth Van Tassel became deceased on August 28, 1955, so the actual span of marriage was 1 month less than 5 years). Harriet E. Van Tassel therefore has experienced an actual de facto residence in the United States substantially in excess of 5 years.

(*b*) Harriet E. Van Tassel's marriage to Captain Van Tassel on September 23, 1950, occurred while she still had a visitor's visa, a fact

which was reported to immigration authorities within a week of the marriage ceremony. The immigration authorities merely advised Mrs. Van Tassel to continue with her periodic reports to the immigration authorities. It was because of inadvertence and the misunderstanding of her position following her marriage and her information to the immigration authorities, who did not alarm her as to her temporary rights, that she did not secure her permanent immigration visa until August 26, 1953. Mrs. Van Tassel labored under the innocent misapprehension that her almost immediate notice of marriage to the immigration authorities satisfied her duties. It is a natural thought that having this notice she had, in good faith, pursued her obligations in an open and above-board manner. The conclusion is inescapable that having married an American that no thoughts were entertained as to leaving this country, her mother and father having established residence in the United States prior to this, leaving no roots remaining in Germany (exhibit 2 explains this). This inadvertent and unintentional oversight, in view of the circumstances as they occurred, induces sympathetic evaluation of her present dilemma.

(*c*) Capt. Kenneth Van Tassel's regiment in the United States Army was the recipient of a Presidential unit citation in the German campaign. Captain Van Tassel himself was personally decorated with the Bronze Star and, of course, honorably discharged. It would, in my view, be unfitting and improper to his memory not to recognize his widow's de facto residence and to require another 2-year period of residence, which is in effect and substance a meaningless prerequisite to her enjoyment of United States citizenship. The many equities influencing this contention are further developed in exhibit 2.

(*d*) Harriet E. Van Tassel is preparing herself professionally as a dental technician and she will be an intelligent, patriotic, and contributing member of the citizenship. Her American forebears demonstrated their patriotic performance as is developed in exhibit 2. All of the facts as appear in exhibits 1 and 2 hereof established an exceptional case.

(*e*) The hardships and tragedies that have been endured by Harriet E. Van Tassel, as the record, taken as a whole, reveals, would make a technical interpretation of her over 5-year residence in this country manifestly unfair, unrealistic, and not in accord with general legislative intent; it would reflect on the memory of the gallant American United States Army captain she became married to and to whom she exhibited such love and devotion during his critical illness which would have been terminal had he not, in a fit of despair, and in a desire not to be a burden to her, taken his own life on August 28, 1955. A further contribution to the melancholy experiences she has suffered by denying her relief at this time, because of a technical circumstance, which she inadvertently and unwillingly experienced, would generate an unbelievably serious mental hardship. Harriet E. Van Tassel's desire to join the citizenship of her mother's ancestry is a real and critical obsessiveness of a most genuine character.

Respectfully submitted.

WALLACE G. SOLUM,
Attorney, Counsel for Harriet E. Van Tassel.

EXHIBIT 2.—GENERAL

INFORMATION ADDENDA

Harriet E. Van Tassel's mother, whose maiden name was Mary Edith Guier, was born in Philadelphia, Pa., on August 9, 1876, of distinguished American parentage. Her ancestors date back to the American Revolutionary War days, both paternally and maternally. A family record book maintained by the said Mary Edith Guier reveals interesting information in connection with the patriotic American attitude of her forebears. This family patriotism is exemplified by the fact that William Guier, the great-grandfather of Mary Elizabeth Guier, joined the Philadelphia City Troops on May 19, 1794, retiring from duty with said city troops on Washington's birthday in 1819. A further family record indicates that the said William Guier took a mortgage on a farm he owned in Delaware to help finance the establishment of the Philadelphia City Troops. This same blood runs in the veins of Harriet E. Van Tassel. Mrs. Harriet E. Van Tassel's American ancestry on the maternal side strongly suggests generous consideration for her present relief for sacrifices made by her great-great-grandfather for the security and well-being of the United States in its critical period of youth.

When Mary Edith Guier married Dr. Heinrich Peters, a German lawyer and industrialist in London, England, on March 14, 1910, she assumed residence with him in Germany, and under German law became a German citizen. The advent of the Hitler regime was highly disturbing to Mary Edith Guier and on a visit to the United States in 1937, by summary remedy she reasserted her American citizenship which was not acknowledged by German law. Being the beneficiary of a large financial trust at the Philadelphia Trust Co., she advised said trust company on her 1937 visit that, if, in the future, it received any written communications from her which included her middle initial, that they were to disregard. The purpose for such precaution was to avoid a forcible liquidation of her trust for removal to Germany by government edict. During the year 1938, after Mary Edith Guier had returned, she was forced by proclamation to write to the Philadelphia Trust Co., for removal of her assets to Germany. Inasmuch as she used her middle initial in this correspondence this authorization was given no efficacy by the Philadelphia Trust Co., even though the German Embassy in Washington made repeated inquiries. She became imprisoned subsequently in a German prison for several weeks and was then discharged, a woman in broken and fragile health. With the help of her daughter, and the use of ingenious subterfuge, she was smuggled across the border to Switzerland. Dr. Peters, her husband, was then the German consul in Berne, Switzerland. Both secured immigrant visas to the United States and arrived here in 1940. Because Dr. Peters defected against the German Government, the German authorities confiscated real and personal property belonging to the family involving a fortune in German marks. Dr. Peters made this sacrifice so that he, too, could secure the liberty and security of United States citizenship and live in the country of his wife's ancestry.

Because of her father's defection against the German Government, Harriet E. Van Tassel became a marked woman of disgrace in Germany. She was eventually impressed into work in a German munitions factory and because of an allergy nearly lost her life because of

poor health. She suffered the horrors of the last days of Berlin and when the American occupation troops arrived, she became an American interpreter. It was at this juncture that she met, and eventually, a few years later, became the wife of Capt. Kenneth E. Van Tassel of the United States Army. Captain Van Tassel commanded the area in which Harriet E. Van Tassel worked as an American interpreter

There are matters of interest involved in the bill, S. 2805, of a unique and exceptional nature which originally captured the interest of the honorable Senator Everett M. Dirksen, and generated him to introduce bill S. 2805 on behalf of Mrs. Van Tassel. It is clear that the equities induce sympathetic consideration. The following items are recounted for further clarification and emphasis:

(1) Harriet E. Van Tassel has been in actual residence in the United [States] since September 6, 1950, a period of over 5½ years. Her marriage to Captain Van Tassel in September 23, 1950, occurred while she had a visitor's status only. This was brought to the attention of immigration authorities within the week of the marriage. It was not until 1953, however, that she secured an immigrant visa. All of this period was spent in United States residence.

(2) Mrs. Harriet E. Van Tassel enjoys an enviable American ancestry on her mother's side—and her mother was an American citizen.

(3) Her father, of German origin, sacrificed a fortune in Germany to become an American citizen which he would have achieved, but he died 2 weeks too soon.

(4) On August 28, 1955, Kenneth E. Van Tassel, a victim of chronic leukemia and progressive arthritis, took his own life. Mrs. Van Tassel has no family in this country; but strong financial background. She appeals to the Senate Jucidiary Committee for a generous consideration of her bill. Because of the tragedy of her life these past 17 years she yearns for the security of citizenship in the country in which her mother had such deep, respectable, and patriotic roots and the country which her father chose at great financial sacrifice to himself.

(5) Harriet E. Van Tassel has the right to request the privilege of present citizenship not only because of her ancestral heritage, her father's actions, recounted above, her de facto residence for a period in excess of 5½ years, her financial ability to provide for herself without governmental expense, but also for the reason that the Van Tassel family goes back to the early 18th century in New England.

Respectfully submitted.

WALLACE G. SOLUM,
Attorney, Crete, Ill.

CERTIFICATE OF COUNSEL

I certify that, to the best of my knowledge, information, and belief, that the above and foregoing statements as contained in exhibits 1 and 2 hereof, with relation to Senate bill S. 2805, are true and correct.

Respectfully,

WALLACE D. SOLUM.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2805), as amended, should be enacted.

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Calendar No. 2139

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2116

MOSES RAKOCINSKI (RAKOCZYNSKI)

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2943]

The Committee on the Judiciary, to which was referred the bill (S. 2943) for the relief of Moses Rakocinski (Rakoczynski), having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

AMENDMENT

In line 3, change the word paragraph to "paragraphs" and insert "(9) and".

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provisions of existing law relating to the commission of a crime involving moral turpitude and relating to one who has procured a visa by fraud in behalf of Moses Rakocinski (Rakoczynski).

STATEMENT OF FACTS

The beneficiary of the bill is a 48-year-old native and citizen of Poland who is presently in a displaced-persons camp in Germany. His wife, his 2 children, his mother, 2 brothers and 3 sisters are all in the United States in legal residence status. Two of the sisters and the two brothers are naturalized citizens of the United States. In 1939 when Germany and Russia invaded Poland, the beneficiary and his family went to Russia. In 1946, after the war, they were given refuge in a displaced-persons camp in Germany. In filling out

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his application to enter the United States under the first Displaced Persons Act, he falsely stated that he had arrived in Germany in 1945, in order to be eligible for relief. Without the waiver provided for in the bill, he will be unable to enter the United States to join his family.

A letter, with attached memorandum, dated May 7, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 7, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2943) for the relief of Moses Rakocinski (Rakoczynski), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Tucson, Ariz., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have sought to procure, or have procured, a visa or other documentation by fraud or by willfully misrepresenting a material fact, and would authorize the alien's admission for permanent residence if he is found to be otherwise admissible. The bill would also provide that this exemption shall apply only to grounds for exclusion under this provision of which the Department of State or the Department of Justice has knowledge prior to the enactment of the bill.

It should be noted that the beneficiary may also be excludable from admission into the United States under section 212 (a) (9) of the Immigration and Nationality Act, which excludes from admission into the United States, aliens who admit having committed a crime involving moral turpitude or admit committing acts which constitute the essential elements of such a crime.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MOSES RAKOCINSKI (RAKOCZYNSKI), BENEFICIARY OF S. 2943

Information concerning the case was obtained from Mr. Herman Joseph Rakow and Mrs. Dora Rakow Klein, the beneficiary's brother and sister.

The beneficiary, a native and citizen of Poland, was born on February 15, 1908. He was married to Basha Nieselkowski in Poland in 1927. They have two children, both of whom were born in Poland. His daughter, Yacha Pfefer, was admitted to the United States for permanent residence in 1953 and now lives in New York, N. Y. The beneficiary's wife and son, Yankel, 21 years of age, were admitted to the United States for permanent residence on February 20, 1956.

His mother, 2 brothers, and 3 sisters live in the United States. His mother and one sister are lawful permanent residents. His brothers and other sisters are naturalized citizens of the United States.

The beneficiary lived in Poland until 1939, when that country was invaded by the German Army. He went to Russia and remained there until about June 1946, when he came to the American Occupation Zone in Germany. He has since lived in various camps established for displaced persons, and at present is living in a camp for displaced persons located at Fohrenwald, Germany. He is a tailor by occupation but is unemployed at the present time. He has made an intensive study of the Jewish religion, and speaks German, Polish, and Hebrew. He has no assets and no income other than aid which he receives from relatives in the United States. The beneficiary's brother, Herman Joseph Rakow, owns and operates a liquor store in Phoenix, Ariz., and has assets of approximately $50,000.

The beneficiary was denied a visa at the American consulate, Munich, Germany, in December 1954, on the ground that he had executed a false affidavit in connection with his application for an immigration visa in 1949.

A letter dated September 6, 1955, to Senator Hayden from the Director, Visa Office, United States Department of State, reads as follows:

DEPARTMENT OF STATE,
Washington, September 6, 1955.

Hon. CARL HAYDEN,
United States Senate.

DEAR SENATOR HAYDEN: I refer further to your letter of August 8, 1955, and to my reply of August 24, concerning the visa application of Mr. Moses Rakoczynski, the brother of Mr. Herman Rakow, 2920 North 26th Street, Phoenix, Ariz.

A report has now been received from the American consulate general at Munich which states that in compliance with the Department's request Mr. Rakoczynski's case was carefully reexamined. On the basis of all the facts in possession of the consulate general Mr. Rakoczynski was again found to be ineligible to receive a visa under section 212 (a) (19) of the Immigration and Nationality Act. As you know, this section of the law renders ineligible to receive visas and excludes from admission into the United States aliens who seek to procure, who have sought to procure, or have procured, visas or other documentation, or seek to enter the United States by fraud or by willfully misrepresenting a material fact.

Although your interest in wishing to assist Mr. Rakow in bringing his brother to the United States is appreciated, the Department is of the opinion that in view of the circumstances surrounding this case the consular officer had no alternative but to withhold the issuance of an immigrant visa from Mr. Rakozynski.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Senator Carl Hayden, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
January 20, 1956.

Hon. HARLEY M. KILGORE,
United States Senate, Washington, D. C.

DEAR SENATOR KILGORE: Enclosed is the material I hope will be sufficient to substantiate the case of Moses Rakoczynski for whom I have introduced a private relief bill, S. 2943. My bill has been referred to your Subcommittee on Immigration and Naturalization.

I first became interested in this case in 1949, at which time efforts were made to gain Mr. Rakoczynski's admission into the United States under the terms of the Displaced Persons Act. Failing to obtain his admission by this avenue, for reasons I shall explain later, attempts were made to secure his entry under the provisions of the Immigration and Nationality Act but they ended also without success. Consequently, since I believe every administrative approach to this case has been exhausted, I have introduced a private relief bill.

The reason for these failures rests on a statement made by Mr. Rakoczynski fraudulently claiming to have entered Germany at a time earlier than his actual date of entrance so as to become eligible for admission to this country under the Displaced Persons Act prior to its amendment. I understand, however, that Mr. Rakoczynski voluntarily admitted this fraudulent assertion when asked to confirm his entrance date into Germany. Nevertheless, he continuously has been denied admission on this basis.

As a consequence, he has had to spend the past 10 years in a displaced persons camp during which time members of his immediate family have been able to reunite in this country and enjoy the benefits our democracy offers. From the attachment listing the immediate members of the family you will see that his mother has resided in the United States for 26 years and through the years all of his brothers and sisters have come to America and are presently residing here. His daughter is in this country and recently his wife and son had visas issued to them and will shortly be arriving in America.

I wish to call your attention to the enclosed letter from the Governor of the State of Arizona testifying to the stature of the members of Mr. Rakoczynski's family who reside in Arizona. These include his mother, brother, and his three sisters. There are included also affidavits from each member of the family living in the United States, which I believe will demonstrate the mental torment this family is suffering because of the forced separation of the last remaining member of the family, Mr. Rakoczynski. You will further note from the financial statements that those members of the family in Phoenix, Ariz., are financially able and willing to take care of Mr. Rakoczynski's economic wants at such time as he may come to this country. The final enclosures have been received from Mr. Rakoczynski himself and give a personal account of his background as well as his police record in Germany and his conduct since arriving in that country.

Having worked on the case for more than 6 years, I can personally state that it is my opinion Mr. Rakoczynski should be permitted to come to this country. The unfortunate mistake he made shortly after his admission resulted, I am convinced, from his desperate desire

to obtain admission to the United States to escape the cruel and chaotic conditions under which he formerly had been forced to live, first under the Nazi regime and later under forced-labor conditions in Russia.

I hope your committee will see the justice and desirability of uniting this unfortunate Polish Jew with the remainder of his family in America.

Yours very sincerely,

CARL HAYDEN,
United States Senator.

CAMP FÖHRENWALD, WOLFRATSHAUSEN,
December 23, 1955.

To Senator CARL HAYDEN,
Washington.

DEAR SIR: Please forgive me for troubling you, but when you have read my lines you will understand what gives me the courage to obtrude myself upon you. I am desperate; I have failed and there is no help for me until I have found the person of influence and noble soul who can and will help me.

Please, sir, when you hear my story, I beg you to weigh my failure and have on one scale the human weakness and on the other have God in mind.

I am a man of almost 50 and am Jew, so had to suffer all the misery brought on by the Nazi regime from 1940 to 1945; deportation, forced labor and wandering about with my family (wife and three children) from Poland to Russia, from Russia to Central Asia. When the war was over we thought our pains and sorrows had come to an end, but nay, coming back to Poland we found it unbearable to live under the Russian regime and in 1946 we decided to go to Germany.

There we were moved from 1 camp to another, 9 times within 10 years. I trust you do understand that we were longing for a permanent home, an existence, and normal life. We hoped to find that in the United States of America, where I have my old mother, 3 sisters, and 2 brothers. We applied for a visa. My daughter Anna, now Anna Wohl, was the first admitted, in 1949, and she became a citizen, 1955. The second daughter, Mrs. Jacha Pfeffer, left for the States in 1953. Now my wife and only son of 21 have obtained the visa and are leaving the camp in January. I have to remain here, alone, separated from my whole family, without a single soul to care for me, and that because of a discrepancy in my records.

I cannot keep my wife back, her longing for the 2 daughters, who have borne 3 children in the meantime, is great. I also cannot expect my son to waste his time in a DP camp in Germany without a real job and prospect for his future.

I was rejected twice on account of that false assertion in my immigration papers and I assure you, sir, it only happened, when I realized, that I, who had come to Germany in 1946 could not get the visa according to the law (sec. 2 (c) 774). Therefore, I changed the date of my arrival and had to regret that bitterly.

I know there are laws and they must be obeyed, shall the human race exist, but is my transgression against the law so great as to condemn me forever, to live like an exiled person, far away from my

people until I go to ruin, when it was done only in order to start a new life and build up an existence for me and my family.

Is there a living soul who has never said a lie in all his life? I know that I failed and I regret it sincerely. Is it possible that there is no forgiveness.

My only hope now is the private bill requested by my relatives and that, sir, is the great favor I beg of you.

Please use all your influence, try to consider my case from the human point of view, not as the strict law demands, and let your heart speak the last word.

Please help me to find mercy from those authorities who can decide my fate, and God may reward you for it.

I, for my part, promise I shall never fail again; I shall become a loyal and reliable citizen of the States and be grateful to you and those who helped to accomplish that.

Respectfully yours,

RAKOCINSKI, MOSES.

Enclosed please find all the dates and whereabouts of my person.

I was born in Suwalki, Poland, 1908.

1908 to August 1939: Suwalki, Poland.

August 1939 to June 1940: Grodno, Poland.

June 1940 to October 1941: Berezowka District, Archangelsk, U. S. S. R.

October 1941 to November 1941: On the way from Berezowka to Burnoe, U. S. S. R.

November 1941 to April 1946: Burnoe, U. S. S. R.

April 1946 to May 1946: On the way to Stettin, Silesia.

May 1946 to August 1946: Stettin, Silesia.

August 1946 to October 1946: DP camp, Ebensee, Austria.

October 1946 to April 1949: DP camp, Bensheim, Germany.

April 1949 to May 1949: DP camp, Lampertheim, Germany.

May 1949 to August 1949: DP camp, Hindenburgkaserne, Ulm, Germany.

August 1949 to March 1950: DP camp, Wasseralfingen District, Ahlen, Germany.

March 1950 to May 1950: Bad Kannstatt, Funkkaserne, Germany.

May 1950 to October 1950: DP camp, Beblingen, Stuttgart, Germany.

October 1950 to February 1951: DP camp, Foehrenwald, Germany.

February 1951 to October 1951: Ludwigsburg processing center, Germany.

October 1951 up to now: DP camp, Foehrenwald.

PHOENIX, ARIZ., *December 20, 1955.*

SENATE JUDICIARY SUBCOMMITTEE ON IMMIGRATION AND NATURALIZATION,
Senate Office Building, Washington, D. C.

GENTLEMEN: I, Mary Rakow, living at 1018 West Roosevelt Street, Phoenix, Ariz., mother of Moses Rakocinski, have resided in the United States for 26 years. During these long years I have been

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sustained by the hope that I will be able to see the surviving members of my family reunited in the United States, a country which has been kind to me and which I hope will see my family reunited again. My struggle to obtain the entry into this great country of my boy has been a long one, and I do not find it in my heart to abandon hope of his ever coming here.

Moses has been exposed to the worst terrors which resulted from the Nazi revolution and the war in Europe. He was born in Poland and has been shuttled from DP camp to DP camp during these terrible years. Only his mother can know in her heart how he has suffered. I am in touch with him at the present time and his health is good, but in his heart I know he longs to be reunited with his loved ones. Gentlemen, I am appealing to you to do all in your power to take favorable action on his case to make this reunion possible. My entire family with the exception of Moses is now residing in this country. There is a place for Moses here, and I can assure you he will be no financial burden to the United States.

The record of my son's case is, of course, before you. In this connection, I would like to say this. Moses is a deeply religious, God-fearing man who can conscientiously commit no wrong. I say this as his mother. In my heart I know he will make an American citizen in the finest of this wonderful country's democratic traditions.

Should you look favorably upon this request, you will indeed be worthy of the Lord's blessings and the gratitude of a heartbroken mother.

Respectfully submitted.

(Mrs.) MARY RAKOW.

STATE OF ARIZONA,
County of Maricopa, ss:

Subscribed and sworn to before me this 20th day of December 1955.

[SEAL] JACOB KLEIN,
Notary Public.

My commission expires April 12, 1956.

MEMBERS OF MOSES RAKOCINSKI'S FAMILY IN THE UNITED STATES

Mary Rakow, mother, born in Suwalki, Poland, 77 years of age, residing in the United States 26 years, now residing at 1018 West Roosevelt, Phoenix, Ariz.

Abraham Rakow, brother, citizen, residing at 811 Walton Avenue, Bronx, N. Y., residing in the United States for 33 years.

Anna Wichinsky, sister, residing at 754 East Culver Street, Phoenix, Ariz., residing in the United States for 20 years, born in Suwalki, Poland.

Zelda Portnoy, sister, citizen, residing at 906 East Coronado Road, Phoenix, Ariz., residing in the United States for 10 years.

Dora Rakow Klein, sister, citizen, residing at 1018 West Roosevelt, Phoenix, Ariz., residing in the United States for 23 years.

Herman Rakow, brother, citizen, residing at 2920 North 26th Street, Phoenix, Ariz., residing in the United States for 23 years.

Anna Wohl, stepdaughter, citizen, residing at 1254 Morris Avenue, Bronx, N. Y., residing in the United States for 6 years.

Jacha Pfefer, daughter, residing at 1425 Grand Concourse, Bronx, N. Y., residing in the United States for 1½ years, born in Suwalki, Poland.

Anna Wohl, daughter, citizen, is sponsoring admission into the United States of Rakocinski's son and wife, both of whom have now been issued visas. Son, Jankel Rakocinski, petition No. VP3J80641 (NR), wife, Basha Rakocinski, petition No. VP3J80642.

EXECUTIVE OFFICE, STATE HOUSE,
Phoenix, Ariz., December 20, 1955.

SENATE JUDICIARY SUBCOMMITTEE ON
IMMIGRATION AND NATURALIZATION,
Senate Office Building, Washington, D. C.

GENTLEMEN: I am writing this letter in behalf of Mr. Moses Rakocinski, whose present address is Tennessee 12, Camp Foerenwald, Wolfrathousen, United States Zone, Germany. This communication to you is in connection with a private bill being introduced in his behalf. This bill will be shortly before you for your consideration.

I am very conversant with the facts concerning Mr. Rakocinski's case, and I am certainly hopeful that your body will see fit to act favorably and expeditiously on this legislation. I am in touch with Mr. Rakocincki's relatives in Phoenix, Ariz., and I can assure you that they are honorable people. It is my considered opinion that Mr. Rakocinski will make a good citizen of the United States.

For your information, Mr. Rakocinski's mother, Mrs. Mary Rakow, who lives at 1018 West Roosevelt Street in Phoenix, Ariz., is 77 years of age. She has been residing in this country for 26 years, and she is living in the hopes that she will be able to greet her son in this country. I am informed that she is in poor health, and I am hopeful that her wish will be granted.

I will be glad to furnish any further information your committee may wish to have in connection with the consideration of the foregoing. I am attaching a letter handed me by this worthy woman, addressed to you, which I feel merits the careful consideration of the subcommittee.

Very sincerely,

ERNEST W. MCFARLAND,
Governor.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2943), as amended, should be enacted.

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Calendar No. 2142

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2119

MARIA VERONICA DE PATAKY, COLOMAN DE PATAKY, OSCAR BEREGI, OSCAR BEREGI, JR., AND MARGRETH LEISS VON LAIMBURG

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2294]

The Committee on the Judiciary, to which was referred the bill (S. 2294) for the relief of Maria Veronica de Pataky, Coloman de Pataky, Oscar Beregi, Oscar Beregi, Jr., and Margreth Leiss von Laimburg, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. In line 4, strike the names "Maria Veronica de Pataky, Coloman de Pataky,".
2. In line 5, strike the name "Oscar Beregi, Junior,".
3. Amend the title of the bill to read: "A bill for the relief of Oscar Beregi and Margreth Leiss von Laimburg."

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Oscar Beregi and Margreth Leiss von Laimburg. The bill has been amended to delete the names of three beneficiaries who have obtained administrative relief.

STATEMENT OF FACTS

The beneficiaries of the bill are an 80-year-old native of Hungary, now stateless, and a 59-year-old native and citizen of Austria who entered the United States on March 24, 1950, as visitors. The male beneficiary, a widower, presently resides in Los Angeles, Calif., with his son and married daughter. The female beneficiary, who has never married, is part of this family unit, having been the business secretary for the family for the past 26 years.

A letter, with attached memorandum, dated August 31, 1955, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 31, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2294) for the relief of Maria Veronica de Pataky, Coloman de Pataky, Oscar Beregi, Oscar Beregi, Jr., and Margreth Leiss von Laimburg, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would grant the aliens the status of permanent residents of the United States upon payment of the required visa fees. It also directs that five numbers be deducted from the appropriate immigration quotas.

As quota immigrants the aliens Oscar Beregi and Oscar Beregi, Jr., are chargeable to the quota for Hungary. The alien Margreth Leiss von Laimburg is chargeable to the quota for Austria. Coloman de Pataky is chargeable to the quota for Yugoslavia, which is oversubscribed. However, his wife, Mrs. de Pataky, is chargeable to the quota for Germany which, according to the last reports, is not oversubscribed. Consequently, Mr. de Pataky may apply under section 202 (a) (2) of the Immigration and Nationality Act for an immigrant visa chargeable to the quota for Germany.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIA VERONICA DE PATAKY, COLOMAN DE PATAKY, OSCAR BEREGI, OSCAR BEREGI, JR., AND MARGRETH LEISS VON LAIMBURG, BENEFICIARIES OF S. 2294

The beneficiaries are a family group consisting of the father, Oscar Beregi, his two adult children, Oscar Beregi, Jr., and Maria Veronica de Pataky, Coloman de Pataky, the husband of Maria Veronica de Pataky, and Margreth Leiss von Laimburg, an employee of the Beregi family for

the past 26 years. Oscar Beregi is a native of Hungary who was born January 24, 1876. Oscar Beregi, Jr., is also a native of Hungary who was born May 12, 1918. Maria Veronica de Pataky, nee Beregi, is a native of Germany who was born February 24, 1910. Coloman de Pataky, also known as Kalman Pataky Molnar, is a native of the portion of Yugoslavia which was formerly Hungary, who was born November 14, 1896. All of these aliens have testified that they are now stateless and that their former nationality was Hungarian. The beneficiary, Margreth Leiss von Laimburg, also known as Margarethe Leiss Laimburg, is a native and citizen of Austria, who was born on January 31, 1897.

All of the beneficiaries reside in Los Angeles, Calif., and with the exception of Margreth Leiss von Laimburg, are self-employed. Oscar Beregi is employed as a free-lance actor and earns a salary of approximately $650 a month. Oscar Beregi, Jr., has been self-employed as an inventor for the past 6 months and has earned no income from that occupation as yet. He was previously employed as a salesman and earned approximately $7,000 at that occupation during 1954. Mr. and Mrs. de Pataky are the operators of a printing-process concern and recently signed a 4-year contract from which they will receive $2,225 per month. Margreth Leiss von Laimburg is employed as the family secretary and earns a salary of $150 per month plus maintenance. The family group own community assets valued at approximately $25,000, which includes their equity in a family residence, bank deposits, equipment, and personal effects.

The beneficiaries, Veronica de Pataky and her husband Coloman de Pataky, were married July 16, 1929, in Budapest, Hungary. They have no children. Mr. de Pataky graduated from the Hungarian Military Academy in 1917 with a commission as an officer in the Hungarian Army. He served honorably in that organization until 1921. After his release from the Hungarian Army, Mr. de Patsky was employed as a contract concert artist in Europe and South America until the outbreak of World War II. Mrs. de Pataky completed elementary and secondary education in Hungary and after marriage was engaged as business representative for her husband. They have no dependents.

Oscar Beregi was employed as an actor in Europe and South America during all of his adult life and has been referred to as the "Barrymore of Hungary." He has been married twice. His first wife, Arank Adler del Honores, whom he married in 1909, died in 1928. The two children born of that marriage are the beneficiaries, Oscar Beregi, Jr., and Maria Veronica de Pataky. His second marriage to Peroska Lazar in 1934 terminated at her death in 1944. No children were born of the latter marriage. Both spouses of Oscar Beregi were natives and citizens of Hungary. He has no dependents.

The beneficiary, Oscar Beregi, Jr., testified that he attended elementary and secondary schools in Budapest, Hungary, and that while a student at the Actor's Academy

in 1939 he was processed for induction into the armed forces of Hungary. Prior to actual induction he obtained permission to depart from that country for 6 months, and, with the intention of avoiding military service on the side of the Axis countries, he made his way to South America. While residing in Chile he married Rosa Diaz Flores, a native and citizen of that country, on May 4, 1949. He testified that the marriage resulted in a separaton after 6 weeks and that he did not believe himself to be the father of a child who was born during January 1950. He has no dependents but contributes approximately $200 per year toward the support of his wife who resides in Chile.

The beneficiary, Margreth Leiss von Laimburg, attended elementary and secondary schools in Budapest, Hungary, and completed 2 years of business college in that city. She is unmarried and has no dependents. Her only living relative is an unmarried sister who resides in Vienna, Austria. Her only employment for the past 26 years has been as business secretary to the Beregi family and she is considered by them to be one of the family unit.

After the cessation of hostilities in Europe in 1945, the family succeeded in making their way to Argentina via Switzerland and Portugal. They resided in Argentina for approximately 6 months and then moved to Chile for the following 2 years. Prior to arrival in the United States the family resided in Cuba for approximately 6 months. The Aliens have testified that all of their residence in Europe and South America since departing from their native countries was that of temporary nonimmigrant aliens.

Mr. and Mrs. de Pataky were admitted to the United States on February 21, 1950, as temporary visitors for a period not to exceed 90 days. Oscar Beregi, his son, Oscar, Jr., and Margreth Leiss von Laimburg were admitted to the United States on March 24, 1950, also as temporary visitors for a period not to exceed 90 days. In February 1951 deportation proceedings were commenced in the cases of these aliens and after hearings all were found to be deportable on the ground that after admission as temporary visitors they remained for a longer period of time than permitted. All were accorded the privilege of voluntary departure from the United States in lieu of deportation but to date they have not availed themselves of that privilege.

All of the beneficiaries are applicants for adjustment of their immigration status under the provisions of section 6 of the Refugee Relief Act of 1953. Hearings on those applications have not yet been completed.

Six private bills for the relief of these beneficiaries were introduced during the 82d and 83d Congresses and all failed to receive congressional approval: For the relief of Maria Veronica de Pataky and Coloman de Pataky, H. R. 7244, 82d Congress, and H. R. 2056, 83d Congress; for the relief of Oscar Beregi and Oscar Beregi, Jr., H. R. 7242, 82d Congress, and H. R. 2055, 83d Congress; for the relief of Margreth Leiss von Laimburg, H. R. 7243, 82d Congress, and H. R. 2059, 83d Congress.

Senator William F. Knowland, the author of the bill, has submitted the following information in connection with the case:

LAW OFFICES
JAMES P. KEM

WASHINGTON, D. C., *May 8, 1956.*

Re S. 2294

Hon. WILLIAM F. KNOWLAND,
Senate Office Building,
Washington, D. C.

DEAR SENATOR KNOWLAND: At the suggestion of Mr. Gleason, I submit the following information in regard to S. 2294, to adjust the status in the United States to that of permanent residents of the following persons: Coloman de Pataky, M. Veronica de Pataky, Oscar Beregi, Sr., Oscar Beregi, Jr., and Margarethe von Laimburg:

(1) Coloman de Pataky and Veronica de Pataky have been able to adjust their status in the United States to permanent residents through preexamination proceedings. Permanent visa applications have been approved by the consul general at Vancouver, British Columbia. Visa numbers were granted yesterday at the State Department. We expect that formal applications will be completed in these two cases shortly.

(2) Oscar Beregi, Jr., is engaged to be married to an American citizen. After his marriage, I understand that his wife will make application for the adjustment of the status of her husband.

(3) No administrative procedure has been found that will reach the cases of Oscar Beregi, Sr., and Margarethe von Laimburg. Proceedings were instituted under section 6 of the Refugee Relief Act, 1953, on behalf of all five persons set out in this bill. Under date of August 23, 1955, the immigration officer at Los Angeles, Calif., decided that relief could not be granted under this provision. I am attaching a copy of the decision in the case of Coloman de Pataky and Maria Veronica de Pataky. The decision in the other cases was similar.

I believe that no administrative remedy is available to Mr. Beregi, Sr., and Miss von Laimburg; congressional action is the only relief open to them. My clients and I will appreciate it very much if you will be good enough to use your good offices to secure prompt action on the bill.

Best regards.

Sincerely yours,

JAMES P. KEM.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2294), as amended, should be enacted.

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Calendar No. 2143

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2120

CHRISTINA ARUTUNIAN

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2954]

The Committee on the Judiciary, to which was referred the bill (S. 2954) for the relief of Christina Arutunian, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. In line 4, change the name "Arutunian" to "Arutjuenjan".
2. Amend the title of the bill to read: "A bill for the relief of Christina Arutjuenjan."

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Christina Arutjuenjan. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 72-year-old native of Russia, now stateless, whose only entry into the United States was at New York on March 22, 1954, when she was admitted as a visitor. She presently resides in Cambridge, Mass., with her only child, a daughter who is a legal resident of the United States and who is her sole support. The daughter is employed in the Slavic department of Harvard University. In 1938 the beneficiary's husband was taken from his home and sent

to a concentration camp by the NKVD and never returned. She served 10 months in jail for being his wife and when the Germans captured their town, the beneficiary and her daughter were shipped to Germany to work in a labor camp. Prior to her entry into the United States, the beneficiary resided with her brother in Germany who is 77 years old and ill. Her health is failing and it is stated that her doctor strongly advises against her taking a long trip.

A letter, with attached memorandum, dated May 8, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 8, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2954) for the relief of Christina Arutunian, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass., office of this Service, which has custody of those files. According to the records of this Service the beneficiary's correct name is Christina Arutjuenjan.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota for the first year that such quota is available.

The beneficiary is chargeable to the quota of the Union of Soviet Socialist Republics.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CHRISTINA ARUTUNIAN, BENEFICIARY OF S. 2954

Christina Arutunian, whose true name is Christina Arutjuenjan, nee Yabokov-Khanzorian, a native of Russia, now stateless, last a citizen of the Union of Soviet Socialist Republics, was born on September 17, 1883, in Rostov. She married Arutun Arutjuenjan, a native citizen of Russia, on February 28, 1914. Her husband was arrested by the NKVD in 1937 and has never been heard from since. Their child, Mrs. Barbara Tschirwa, was born in Russia on November 1, 1916. The beneficiary resides with her daughter, who is a lawful permanent resident, at 19 Wendell Street, Apartment 3, Cambridge, Mass. Her only relative abroad is a brother living in Munich, Germany. Besides her daughter she has a nephew living in this country.

Mrs. Arutunian attend the Women's University in Moscow, Russia, from 1903 to 1906. She is unemployed, has no income, and is entirely dependent upon her daughter

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for support. Her only assets are personal belongings and jewelry valued at $3,500. Her daughter is a research assistant in the Slavic department of Harvard University and receives a salary of $200 monthly.

The beneficiary's only entry into the United States was at New York, N. Y., on March 22, 1954, at which time she was admitted as a nonimmigrant visitor for pleasure until September 21, 1954. She was granted extensions, the last of which expired on February 29, 1956. Her status as a nonimmigrant visitor was terminated on January 27, 1956. She was considered unlawfully in the United States for the reason that she was attempting to have her nonimmigrant status adjusted to that of a permanent resident. This action was deemed an attempt on her part to abandon her foreign domicile. Deportation proceedings were instituted on March 30, 1956, on the ground that she had failed to maintain the nonimmigrant status in which she was admitted or to comply with the conditions of such status. A hearing to determine deportability has been set for April 11, 1956. There appears to be no administrative relief available.

Mrs. Barbara Tschirwa is the person primarily interested in the bill.

Senator John F. Kennedy, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

CAMBRIDGE, MASS., *December 6, 1955.*

DEAR MR. KELLEHER: Our meeting last Friday gave me such encouragement that I must begin by thanking you for the great hope which you have installed in me. My mother has had her brightest days in many months since I reported to her the result of our conversation. Your great kindness and understanding we shall never forget.

I am enclosing two copies of a statement setting forth my mother's history and her present situation. In an effort to spare you, I have capsuled this as best as I know how. The story is a tragic one and there is so much that can be written about it. It is hard to believe that one human being has had to go through so much on one single lifetime.

I know you appreciate this problem. Your sympathetic understanding demonstrated this immediately. There are neither words nor deeds that can express what we feel. We thank you from the bottom of our hearts and God bless you.

Gratefully yours,

BARBARA B. TSCHIRWA.

[Enclosure]

Extraordinary circumstances cause me to request your help on behalf of my 72-year-old mother, Christina Arutjunjan, who came to the United States on a visitor's visa in March 1954. At the present time she may be required by United States authorities to return to Munich, West Germany. Besides myself, my mother has no one to care for her. Germany is not her homeland. In 1943 after the Germans captured the city of Rostov-on-Don in the U. S. S. R., my mother and I were taken to a forced-labor camp to Germany by the

occupation authorities. For her to return there would place her, alone and helpless, in a position which at her age and state of health would be beyond her physical and emotional strength.

The reason for Mrs. Arutjunjan's journey to the United States in March 1954 was her long separation from me, and the necessity for her to undergo medical treatment in peaceful surroundings. The period she spent with me in Cambridge has been the first rest my mother has had from the hardships of war and political imprisonment in the Soviet Union. But after the first few months of medical treatment, it became clear that the state of her health made it impossible for her to return to Germany, where she could not receive proper attention. Moreover, the trip itself was regarded as dangerous by the doctor, who recommended an operation for gallbladder (see attached photostat).

However, because of the uncertainty regarding the length of time my mother would be allowed to stay in this country and profit from my care, we have been unable to decide whether or not she should undergo the operation.

Because of her poor health my mother's visitor's visa was extended three times. The current extension will expire March 21, 1956. However, this extension is the last. The German consulate in Boston, as a result of inquiries made in Munich, has informed me that her passport and reentry permit cannot be renewed because of the regulation that stateless persons cannot be readmitted to Germany after an absence of more than 1 year (see attached photostat).

When she left Germany in 1954, my mother planned to return to her brother, Kevork Jablokov Khndzorian, of Berlin, Germany. However, in the spring of 1955 Jablokov Khndzorian, who is 77 years of age, became seriously ill and was forced by his illness to retire. The doctors are very much concerned about him and the prognosis is not good. Needing medical care himself, his own health being in such jeopardy, he is of course unable to assume responsibility for my mother in Germany.

Under the present state of affairs, my mother could be required to return to Germany prior to March 21, 1956. For a helpless, ill, 72-year-old woman, having no real knowledge of the German language, and no one to turn to, this would be a tragic situation.

Mrs. Arutjunjan's background

Mrs. Arutjunjan, nee Jablokov, was born on September 17, 1883, in Rostov-on-Don. Her father, of Armenian origin, was a textile manufacturer, a fact which later had dire effects on her life under the Soviet regime. She received her secondary education in Rostov, and studied at the Women's University of Moscow. In 1914 she was married to an engineer, Arutun Arutjunjan, who graduated from Technolgical Institut (Ecole des Travaux Publiques) in Paris in 1911. Until 1918 Mr. Arutjunjan had his own electrical engineering office. Beginning in 1920, since he was a technical specialist, he became an engineer for the streetcar system in Rostov. In October 1937 my father became a victim of one of the purges. He was arrested by the NKVD (the Soviet secret police). In 1938 he was sentenced to an isolated concentration camp for 10 years, without any right of communication with his family or the outside world. The reason for my father's arrest was completely unknown to us. He was never given a

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trial. The charges against him were never known. No evidence was ever submitted. Eighteen years have now gone by and there has never been a single word from him. We have long given him up as dead (see attached photostat signed by vice chairman of the military tribunal of U. S. S. R.).

In February 1938 my mother, a housewife during the entire period of her marriage, was also arrested by the NKVD. No charge could be entered against her personally: the only ground for her arrest was that she was the wife of a political prisoner. My mother spent 10 months in prison where she developed illnesses which contributed in some measure to her present-day physical condition. She then was sentenced to 5 years' administrative exile, which required her to leave her home and live in a small town, to report each month to the NKVD, and to be prohibited from leaving that town.

In 1943, my mother and I were shipped to a labor camp in Germany by the German occupying authorities. From 1943 to 1945 we remained in what is now East Germany in forced labor. In 1945 after the liberation, we walked all the way to West Germany to escape from the Russians. During 1945 and 1946 we lived in a village Lainek near Bayreuth. From 1946 to 1953 we lived in Munich, Bavaria.

On March 21, 1954, my mother arrived in the United States on a visitor's visa (nonimmigrant visa No. 755290. Her temporary entry permit No. V755290). She holds displaced-person card No. 07159 and stateless-person passport issued by Germany, No. 0009984, in Munich.

A few words about myself

I arrived in the United States in December 1952. My permanent immigration status was given on request of Harvard University, Slavic department, as for an urgently needed person, by work as research assistant to Prof. R. Yakobson's special project for the analysis of contemporary Russian language.

During the academic year 1954–55, I was under contract to the Center of International Studies at Massachusetts Institute of Technology, Cambridge, Mass. In this capacity I prepared a series of research papers dealing with contemporary Soviet education.

At present I am a graduate fellow at the Russian Research Center of Harvard University. At the same time I am preparing my doctor of philosophy dissertation at Radcliffe College.

I sincerely request you to regard this as a meritorious case and to allow my ill 72-year-old mother to remain in the United States.

Only my care and support can give her the few years of peace she desperately needs after so many tragic experiences.

I will assume full responsibility for my mother's maintenance in this country, as her only support.

Your assistance and humanitarian understanding remain the only hope for my mother to remain in the United States.

Respectfully yours,

BARBARA B. TSCHIRWA.

BROOKLINE, MASS., *September 17, 1955.*

To Whom It May Concern:

This is to certify that Mrs. Christina Arutunian, 71 years old, 19 Wendel Street, Cambridge, Mass., is under my medical care since May 1954.

Mrs. Arutunian is suffering from a diseased gallbladder with stones. She has an adenoma of the thyroid gland, and has a very much weakened heart. Because of the latter, she is a bad risk for gall-bladder surgery, and therefore has to live a very quiet life in order to avoid any irritation of the gallbladder. The shortest car ride is apt to start an attack. In my opinion an ocean crossing under these circumstances may actually endanger her life.

FRIEDA POR, M. D.

HARVARD UNIVERSITY,
Cambridge, Mass., December 6, 1955.

Mr. MICHAEL T. KELLEHER,
Boston, Mass.

DEAR MR. KELLEHER: I understand that you have been kind enough to assist Mrs. Barbara Tschirwa in her efforts to obtain for her mother a permanent residence in this country.

Mrs. Tschirwa has been a student of mine in the Slavic department and is now preparing for her doctor of philosophy degree under my guidance. I can highly recommend her as being an able and intelligent person of excellent character.

I am very much concerned about the situation which has arisen with regard to her mother who is 72 years old and virtually has no one who could take care of her if she is forced to go abroad. Both for her sake and for the sake of Mrs. Tschirwa who would find it extremely difficult to continue her studies while simultaneously supporting her mother abroad, I hope some means can be found to solve her problem.

Sincerely yours,

MICHAEL KARPOVICH,
Curt H. Reisinger Professor of Slavic Languages and Literatures.

TOLSTOY FOUNDATION, INC.,
New York, N. Y., December 5, 1955.

Re Christina Arutjuenjan, born September 17, 1883, in Rostow, Russia.

To Whom It May Concern:

This is to advise that the Tolstoy Foundation will appreciate very much anything that can be done to help the above-named lady.

Mrs. Arutjuenjan came to the United States on a visitor's visa to join her daughter, Mrs. B. Tchirwa, her only relative. Since we know the daughter to be a most deserving person, we are sure that should her mother be permitted to remain in the United States, as is the desire of both the women, Mrs. Tchirwa will take good care of her and will never allow her to become a public charge.

From the humanitarian point of view we consider this a truly pathetic case which should be favorably considered, and we hope that a way will be found for the old lady to spend the last years of her life with her only daughter.

Yours truly,

ALEXANDRA TOLSTOY, *President.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 2954), as amended, should be enacted.

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Calendar No. 2144

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2121

KAPPAKA SITA RAO AND HER MINOR CHILD, KAPPAKA VIJALAKSHMI RAO

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3212]

The Committee on the Judiciary, to which was referred the bill (S. 3212) for the relief of Kappaka Sita Rao and her minor child, Kappaka Vijalakshmi Rao, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. In line 4, change the name "Kappaka Sita Rao" to "Sita Koppaka Rao".
2. In line 5, change the name "Kappaka Vijalakshmi Rao to "Vijayalakshmi Koppaka Rao".
3. Amend the title of the bill to read: "A Bill for the relief of Sita Koppaka Rao and Vijayalakshmi Koppaka Rao."

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiaries to obtain first preference in the issuance of quota immigrant visas under section 203 (a) (1) of the Immigration and Nationality Act, provided that they are issued visas within 6 months after the date of enactment of the act.

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STATEMENT OF FACTS

The beneficiaries of the bill are natives and citizens of India aged 30 and 7 years, respectively, who presently reside in India awaiting to be reunited with their husband and father. He was admitted to the United States for permanent residence on May 3, 1954. However, the beneficiaries were unable to obtain the required documentation in connection with the issuance of visas in time to accompany Dr. Rao to the United States. He is employed as research biochemist at Pfizer Therapeutic Institute in Maywood, N. J., presently working on antibiotics.

A letter, with attached memorandum, dated May 2, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 2, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3212) for the relief of Kappaka Sita Rao and her minor child, Kappaka Vijalakshmi Rao, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries oy the Newark, N. Y., office of this Service, which has custody of those files. According to the records of this Service, the correct names of the beneficiaries are Sita Koppaka Rao and Vijalakshmi Koppaka Rao.

The bill would provide that the beneficiaries be considered to be accompanying their husband-father, Kappaka Viswesuara Rao, to the United States. This would place the beneficiaries in a position to obtain first preference in the issuance of quota immigrant visas under section 203 (a) (1) of the Immigration and Nationality Act, provided that they are issued visas within 6 months after the date of enactment of the act.

Sincerely,

———— ————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KAPPAKA SITA RAO AND HER MINOR CHILD, KAPPAKA VIJALAKSHMI RAO, BENEFICIARIES OF S. 3212

Information concerning this case was obtained from Kappaka Viswesuara Rao, the husband-father of the beneficiaries, who is the interested party in this case.

The beneficiaries, whose correct names are Sita Koppaka Rao and Vijayalakshmi Koppaka Rao, are mother and daughter. They are natives and citizens of India. They have never been in the United States and presently reside on Rajagopalacharyulu Street in Vijayawada, India.

The adult beneficiary, Sita Koppaka Rao, was born in India in April 1926. She married Kappaka Viswesuara Rao in India on February 13, 1943. One child, Vijayalakshmi Koppaka Rao, who is the minor beneficiary, was born of this marriage on July 8, 1948, in India.

Section 203 (a) (1) of the Immigration and Nationality Act provides for the granting of preference in the issuance of immigrant visas to eligible immigrants whose services are urgently needed in the United States and to their spouses and children if accompanying them. Dr. Kappaka Viswesuara Rao, the interested party, and the beneficiaries applied for visas under the foregoing provisions of law. Dr. Rao was granted a visa and admitted to the United States for permanent residence on May 3, 1954. However, the beneficiaries were unable to obtain documentation required in connection with the issuance of such visas in time to permit them to accompany Dr. Rao to the United States.

Dr. Rao is a native and citizen of India. He was born on November 19, 1924, in India. He presently resides in Pine Brook, N. J. He is employed as a research biochemist at Pfizer Therapeutic Institute in Maywood, N. J. His salary is approximately $8,000 per year.

A letter dated September 28, 1954, to the Charles Pfizer & Co., Inc. from the Director, Visa Office, United States Department of State reads as follows:

DEPARTMENT OF STATE,
Washington, September 28, 1954.

CHARLES PFIZER & CO., INC.,
Brooklyn, N. Y.

(Mr. Frank Waldron, Legal Division.)

DEAR MR. WALDRON: I have your letter of August 12, 1954, concerning your interest in the desire of Dr. Kappaka Viswesuara Rao, an employee of your firm, to have his wife and child join him in the United States and requesting information as to how they may retain or regain the first preference status they derived from Dr. Rao.

The spouse and children of a person entitled to first preference status under Section 203 (a) (1) of the Immigration and Nationality Act may be accorded first-preference status if they are accompanying the selected alien; such spouse and children may be considered to be "accompanying" if visas are issued to them within 4 months of the date on which a visa was issued to the selected alien. Since Dr. Rao's immigrant visa was issued at Bombay on March 26, 1954, and visas were not issued to his wife and child within the following 4 months, the latter are no longer eligible for first-preference status deriving from the petition filed on behalf of Dr. Kappaka Viswesuara Rao by Chas. Pfizer & Co., Inc., on September 24, 1953, on the basis of which a first-preference Indian quota immigrant visa was issued to Dr. Rao.

You explain that Mrs. Rao was unable to accompany her husband because of delay in obtaining certain documents but that upon receipt of these documents in June, the American consulate at Bombay requested and received two quota numbers but that immediately thereafter the Indian quota was closed. I should like to point out

that the first-preference category of the Indian quota has been and, for the present, continues to be current. By June 1954, all Indian quota numbers for the July 1953–June 1954 quota year had been issued and that quota was entirely exhausted. The records of the Department show that when the request from Bombay was received on June 24, 1954, numbers available for July within the monthly limitation prescribed by law had already been allotted and therefore the earliest numbers available for allocation to Mrs. Rao and her child were for issuance in August. Since by August 1954 Mrs. Rao and her child would no longer have been entitled to derivative first-preference status, those quota numbers obviously could not be used for issuance of their visas.

You ask what steps Dr. Rao must take to regain first preference status for his family. If Chas. Pfizer & Co., Inc., is willing to dispense with his services for an indefinite period of time and is willing to execute and file a new petition form I–129 in his behalf, presumably Dr. Rao could abandon his status of resident alien and proceed abroad to apply for a first preference Indian quota immigrant visa at an American consular office in any country which would grant him permission to enter for that purpose. Once the petition was approved and sent to the appropriate consular office, visas could be issued to Dr. Rao and to his wife and child within the 4-month period discussed above even though they apply at different consular offices. You understand that such visas could be issued only providing the applicants establish their admissibility in every respect, documentarily and medically, and that quota numbers would then be available for issuance to persons with their priority date, which date would be determined by the date of filing of the new first-preference petition. Any attempt to follow such a procedure should be discussed in detail beforehand with the nearest office of the Immigration and Naturalization Service which has sole jurisdiction over questions concerning the approval of petitions and the status of aliens already in the United States.

However, since section 203 (a) (3) of the Immigration and Nationality Act provides third-preference status for the spouses and children of aliens lawfully admitted into the United States for permanent residence, Dr. Rao may wish to file the required petition form I–133A in order to establish such preference for his family. A departmental circular giving general information on immigrant visas is enclosed for Dr. Rao's guidance.

Third preference Indian quota numbers have been allocated for issuance during the October-December quarter to applicants registered or with petitions filed prior to October 1, 1952. If Dr. Rao's wife and child were registered at Bombay as intending immigrants with a registration priority of September 24, 1953, they may retain that priority even though their preference status may change. In view of the large number of third-preference applicants with earlier priorities than that of Mrs. Rao, it is not possible at this time to give any estimate as to when her turn might be reached under the third-preference category.

I regret that the information I have given you above is not more encouraging.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office.

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Senator Herbert H. Lehman, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

PINE BROOK, N. J., *December 28, 1955.*

Hon. HERBERT H. LEHMAN,
United States Senate, Washington, D. C.

DEAR SENATOR LEHMAN: On February 25, 1955, my attorney, Mr. Peter C. Roots wrote to you requesting your aid in obtaining a waiver of the ruling of the State Department denying my wife and child first preference immigrant visas derivative of my first preference immigrant status. On March 17, 1955, you forwarded to my attorney a copy of the State Department's letter of reply to the inquiry which you had so kindly made in my behalf. That correspondence restated the Department's refusal and its reasons therefor.

The purpose of this letter is an appeal to you to sponsor legislation which will authorize the admission to the United States of my wife, Mrs. Kappaka Sita Rao and my 7-year-old daughter, Kappaka Vijalakshmi. I have been advised that such legislation affords the only practicable relief of the distressing separation from all of my immediate family for many years which I am now forced to contemplate. The facts in my case are as follows:

I am a 31-year-old native and citizen of India who entered the United States as a first-preference immigrant on May 3, 1954. At present I am a research biochemist at the Pfizer Therapeutic Institute, Maywood, N. J., where I am engaged in the study of the isolation and chemical characterization of new antibiotics as well as other naturally occurring active drugs. The institute is a function of Chas. Pfizer & Co., Inc., 11 Bartlett Street, Brooklyn, N. Y. I reside in Pine Brook, N. J. (Post Office Box 228).

On September 24, 1953, Chas. Pfizer & Co., Inc. filed a petition for classification of quota immigrant for alien whose services are needed urgently in the United States. Since I had informed my prospective employers of my desire to bring my immediate family to this country, the petition stated that I would be accompanied by my wife and child who were named therein. On October 9, 1953, the United States Immigration and Naturalization Service notified the company that the visa petition had been approved. The Immigration and Naturalization Service, New York district, assigned visa petition No. VP3–39139 APP VI to my case.

During November 1953 I was informed by the American consulate general at Bombay that I could appear at the consular office and apply for visas. At that time I was advised as to the documents which were required of me and those which would be obtained by the consular office. Among the latter were police clearances for my family. I gave the consular office soon after a list of the places and dates of my family's residence. In my own case I requested from the police departments of Madison, Wis., and Louisville, Ky., clearances for the period of my prior temporary stay in the United States. These were received late in January 1954.

At the time I was notified by the American consulate general at Bombay to apply for visas, I possessed a Republic of India passport for myself only. This had been obtained for an earlier sojourn in the United States for my professional studies. Near the end of

January 1954 I took my family to my home state, Andhra, to apply for a passport for all of us.

Before leaving Bombay in January I informed the American consular office that my family and I would like to leave together and requested that application for three quota numbers be made. Since my old passport was still valid, they applied for only one number. However I was assured that when the new passport was issued the other two numbers would be requested and we would be able to leave together.

Further evidence of the continuation of my desire that my family accompany me to the United States in a derivative status under my own first preference privilege is contained in my current passport. Application for a Republic of India passport for myself, my wife, and my child was made shortly after my meeting with officials of the American consular office in January 1954. Accordingly passport No. A433918 as issued to me on March 21, 1954, provided for this. When, for reasons related to the assignment of quota numbers by the United States Department of State, it became impossible for me to carry out this plan, a separate passport for my wife and child was issued on April 28, 1954.

By letter of the American consulate general dated March 8, 1954, I was informed that the quota number allotted for my use was for issuance in that month only, and that it would not be possible to issue immigrant visas for my wife and daughter in March but that they might be expected in the following month. A copy of that correspondence is enclosed herewith.

A visa was issued to me on March 26, 1954. I departed from Santa Cruz, Bombay, India, on April 30, 1954, and was admitted to the United States on May 3, 1954, at New York.

The documentation of the visa applications of my wife and child was completed on June 16, 1954, and the American consulate general proceeded to obtain their quota numbers. By his letter to me dated July 7, 1954, I was informed that their quota numbers for issuance in August had been received. My wife promptly thereafter made formal application for the two visas. A copy of the above-mentioned correspondence from the American consulate general is enclosed. Your attention is respectfully invited to the fact that this letter is dated 3 months and 10 days after date of issuance of my visa.

The letter of the consulate general on July 7, 1954, notwithstanding, he on October 4, 1954, notified Mrs. K. V. Rao that she and our daughter were not entitled to first-preference status. A copy of the correspondence by which she was so advised is enclosed herewith. Particulars connected with this denial of visas subsequently were requested of the Department of State. The Department has refused to furnish any details concerning the matter.

Upon being informally notified that the visas could not be issued under first-preference classification, third-preference applications for my wife and child were filed at the Office of the Immigration and Naturalization Service in Newark, N. J., on September 7, 1954, as an alternative. Later I learned that visas under third preference Indian quota probably could not be issued for 5 years.

The Department of State by its letter dated September 28, 1954, advised Chas. Pfizer & Co., Inc., that if they were willing to execute and file a new petition form I–129 in my behalf, presumably I could

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abandon by status of resident alien and proceed abroad to apply for a first preference Indian quota immigrant visa at an American consular office in any country which would grant me permission to enter for that purpose. Once the petition had been granted and the visa issued, a new attempt to obtain derivative status for my wife and child could be made. This has been offered as an alternative of the protracted separation which is involved in the third-preference classification of my wife and child; copy of the correspondence is enclosed herewith.

Obviously this latter alternative would also involve an interruption for an indefinite period of time of the research work for which I was admitted to the United States in response to the original petition. The undesirable result of such interruption of my work is described in the letter of Dr. J. H. Kane which is enclosed.

As the above-mentioned letter of Dr. J. H. Kane states, the urgent need for my professional services which originally justified the issuance of a first-preference visa continues to the present time. Documents in support of the fact that I would not be debarred for health or other personal reasons from again entering the United States as a resident immigrant can be produced if desired. The second alternative, therefore, comes to this: I am now a resident immigrant in the United States who was admitted under a first-preference quota but if I wish to attempt to avoid long separation from my family, I must give up my profession and the modest income which it provides and proceed abroad, there to begin anew the process of being admitted to the United States.

I respectively submit that either of the alternatives with which I am presented is very harsh indeed. This is especially so in view of the fact that the situation in which my family and I now find ourselves has resulted from the operation of law or regulations or their administration—not from any noncompliance or dilatoriness on our part. I believe that there was no intention for the law and regulations to function in this way. I also believe that the same public interest which is served by the work for which I was allowed to enter the United States will continue to be served if a way be found to avoid suspending it for an indefinite period of time, or discontinuing it altogether while I seek a reunion with my family.

Having been advised that the official action in denying visas to my wife and child is nowhere reviewable, I am appealing to you for the only relief which is available to my family and to me, private legislation which will allow them to join me in the United States, the apparently unintended operation of law and regulations under it notwithstanding. If you are willing to sponsor such legislation, I shall endeavor to supply any additional facts that may be required of me. I assure you that your good offices in this matter will be deeply appreciated.

Messrs. Peter C. Roots and Herbert B. Rickards, attorneys with offices at 1025 Connecticut Avenue NW., suite 210, Washington, D. C., represent me.

Very truly yours,

K. V. Rao.

CHAS. PFIZER & CO., INC.,
Brooklyn, N. Y., December 13, 1955.

Hon. HERBERT H. LEHMAN,
United States Senate, Washington, D. C.

SIR: In connection with the private legislation which you have been asked to sponsor on behalf of Dr. K. V. Rao and his wife and child, I should like to present for your consideration the following facts:

Dr. Rao joined the staff of the biochemical research and development division of Chas. Pfizer & Co., Inc., on May 1, 1954. He was assigned problems having to do with the isolation and identification of antibiotics which were appropriate projects for one having his wide experience in the separation of chemical substances from natural products. You will, of course, recognize the important part antibiotics have played in changing the American health picture in the last 15 years. From our laboratories have emerged a number of new drugs, including terramycin and tetracyn, which are in wide current use. However, it is the considered opinion of most public-health experts that a continuing need will exist for new antibiotics since organisms acquire resistance to the known antibiotics. In addition, a number of important diseases remain which have so far been recalcitrant to the approach of antibiotic therapy.

During the past year and a half, Dr. Rao has worked on approximately 60 such substances, 11 of them intensively, and in the case of many of the latter he was able to separate and identify many of them as new chemical entities of great therapeutic interest. We are in the process of developing several of them further and have hope that they will add to the armamentarium of the physician and enable him to cure diseases that have hitherto resisted rational treatment. We consider this record as showing that Dr. Rao possesses unusual diligence and ability in this branch of science. Very few, if any, American scientists could equal it and we feel that it is a definite contribution to the public health of our country and of the entire world.

If Dr. Rao were required to return to India for 6 months or more in order to reapply for admittance together with his wife and child, the interruption of his research program would cause a loss greatly disproportional to the actual time lost. He is continually dealing with cultures of living organisms which require constant attention and should they die out in his absence they might never be rediscovered. His investigations often continue over long periods of time, up to a year. Should he be absent from the laboratory not 6 months' work but perhaps as much as 18 months of his effort would be lost. Furthermore, his work must be coordinated with other workers in a team including mycologists, bacteriologists, parasitologists, pharmacologists, etc., and the entire program of the laboratory in which he is an essential link would be seriously affected.

In view of these facts, I should like to urge you most strongly to submit the proposed legislation and that your colleagues in the Senate give it their approval.

Very truly yours,

JASPER H. KANE.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3212), as amended, should be enacted.

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Calendar No. 2145

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2122

CLEOPATRA VASILIADIS

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 3235]

The Committee on the Judiciary, to which was referred the bill (S. 3235) for the relief of Cleopatra Vasiliades, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. In line 4, change the name to read "Vasiliadis".
2. Amend the title of the bill to read: "A bill for the relief of Cleopatra Vasiliadis."

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Cleopatra Vasiliadis. The bill provides for an appropriate quota deduction and for the payment of the required visa fee.

STATEMENT OF FACTS

The beneficiary of the bill is a 72-year-old native of Turkey and citizen of Greece who entered the United States on October 9, 1950, at New York as a visitor. She is a widow and resides with her brother-in-law in Philadelphia and is supported by her stepson who has indicated his willingness and ability to continue such support. She also has a brother and sister who are naturalized citizens of the United States. Information from her doctor is to the effect that she is in poor health and he advises her against undertaking a long trip.

A letter, with attached memorandum, dated May 8, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to the bill reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 8, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3235) for the relief of Cleopatra Vasiliades, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Philadelphia, Pa., office of this Service, which has custody of that file.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Turkey.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE CLEOPATRA VASILIADES, BENEFICIARY OF S. 3235

The beneficiary, who is a widow, was born on July 27, 1883, in Moudania, Turkey. She derived Greek nationality through her parents who were citizens of that country. The beneficiary has 2 daughters and 2 stepdaughters in Greece. She also has a stepson and a brother and sister who are citizens and residents of the United States. The beneficiary completed 8 years of schooling in Turkey. She moved to Greece in 1922, where she was a housewife and operated a small store which she owns.

The beneficiary has no income or assets in the United States. She is supported by her stepson who is engaged in the restaurant business in Philadelphia, Pa. He has indicated that he is willing and able to continue such support. The beneficiary resides with her brother-in-law in Philadelphia, Pa.

The beneficiary was admitted to the United States on October 9, 1950, at New York, N. Y., as a visitor. She applied for adjustment of her status to that of a permanent resident. She was found to be ineligible for such adjustment and granted a period of time in which to voluntarily depart from the United States. The beneficiary failed to so depart and is, therefore, residing in this country in an illegal status. Deportation proceedings have not as yet been instituted against her.

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Senator Edward Martin, the author of the bill, has submitted a number of letters in connection with the case, among which are the following:

ORLOW & ORLOW

ATTORNEYS AT LAW

PHILADELPHIA, PA., *April 20, 1956.*

Senator EDWARD MARTIN,
Senate Office Building,
Washington, D. C.

DEAR SENATOR MARTIN: On behalf of Cleopatra Vasiliades, 2212 South 66th Street, Philadelphia, Pa., you were good enough to introduce private bill S. 3235. In a letter to you on February 7 I outlined the major factors in her case and I am at this time submitting some documents which I trust will be helpful in securing favorable consideration of the case.

In my letter of February 7 I mentioned the fact that her son is an American citizen, and has been since December 5, 1919, having received certificate No. 1212811. Her other close relatives in this country consist of her brother, Peter A. Stassinos, 6350 Saybrook Avenue, Philadelphia, Pa., who became a cltizen of the United States on March 11, 1924 at Philadelphia, Pa., receiving certificate No. 1953626. Her sister, Mrs. Artemis Stassinos Magos, residing at 6834 Chester Avenue, Philadelphia, Pa., is also a citizen of the United States, having been naturalized on December 3, 1941, receiving certificate No. 5307090. The family of her deceased sister, headed by her brother-in-law, Dimitrios Xenakis, and his native-born children are all citizens of the United States, he having been naturalized in the United States district court at Pittsburgh, Pa., on May 19, 1913, receiving certificate No. 3424737.

Mrs. Vasiliades is a woman who is now approaching her 73d birthday, and she has a number of complications that are due to age. She is presently under the treatment of Dr. Daiber, and I am herewith enclosing a letter, in duplicate, from Dr. Daiber with regard to her physical condition. I am also enclosing the following additional documents:

1. Letter, in duplicate, of the Order of Ahepa.
2. Letter, in duplicate, of the Greek Orthodox Church of St. George.
3. Letter, in duplicate, of Philoptohos Society of St. George.

In accordance with Greek custom, the son of the family bears the complete parental responsibility, and so, although Mrs. Vasiliades has daughters in Greece, they have no responsibility since they have a brother living to take that burden. He is an American citizen, and the complete responsibility of his mother rests upon him. Were it not for the fact that Mrs. Vasiliades was born in Turkey, she would have been adjusted under second preference, which, of course, is unavailable to her because of the very limited Turkish quota.

I hope that these documents may be of use in achieving our purpose.

Yours very truly,

LENA L. ORLOW.

PHILADELPHIA, PA., *March 28, 1956.*

Re Mrs. Cleopatra Vasiliadis, Philadelphia, Pa.

UNITED STATES IMMIGRATION SERVICE,
Philadelphia, Pa.
(Attention: F. Church, A10,330,355.)

DEAR MR. CHURCH: I first examined Mrs. Vasiliadis on December 2, 1954, and again on January 27, 1956. The medical diagnosis was as follows:

1. Arteriosclerosis.
2. Diabetes millitus.
3. Asthmatic bronchitis.
4. Obesity.
5. Osteoarthritis, left knee.
6. Subdeltoid bursitis (right).

Because of her age and the combination of diseases, I think it would inadvisable for her to travel to Greece.

Sincerely,

WILLIAM F. DAIBER, D. O.

THE GREEK ORTHODOX CHURCH OF ST. GEORGE,
Philadelphia, Pa., April 9, 1956.

Senator EDWARD MARTIN,
Senate Office Building,
Washington, D. C.

DEAR SENATOR MARTIN: At a regular meeting of the above-named church on Tuesday, April 3, 1956, representing approximately 800 members, the case of Mrs. Cleopatra Vasiliadis was discussed. By uanimous decision at that meeting, the members of the St. George Church wish to express their thanks to you for your intervention in her behalf, and to urge that every effort be made toward securing for her permanent legal residence in the United States, because excepting for the accident of birth in Turkey she would have a right to be here permanently.

Please be assured that every member of the Greek Orthodox Community of the St. George Church feels that she is a fine person of advanced years. It is important for her to have peace of mind as she is suffering from ill health. She resides at 2212 South 66th Street, Philadelphia 42, Pa., with her family who are all citizens of the United States. She is supported by her son, a member of the above-named church and community, and a citizen of the United States, who is an employee at the Avenue Restaurant, 6307 Woodland Avenue, Philadelphia, Pa. Because of the above facts, we urge that every effort be made toward the successful passage of S. 3235, which you were good enough to introduce for her relief, so that Mrs. Vasiliadis may spend the last few years of her life surrounded by the close members of her family.

Very truly yours,

GEORGE BOUKALIS, *President.*
E. JOHN SALIDIS, *Secretary.*

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PHILOPTOHOS SOCIETY OF ST. GEORGE "MYROPHORI,"
Philadelphia, Pa., April 10, 1956.

Senator EDWARD MARTIN,
Senate Office Building, Washington, D. C.

DEAR SENATOR MARTIN: At a duly constituted meeting of the above-named organization on Monday, April 9, 1956, it was moved and unanimously passed by all those present that this membership of 350 ladies express their heartfelt thanks to you for your efforts to secure a permanent legal residence in the United States of America for one Mrs. Cleopatra Vasiliadis, who resides with members of her family at 2212 South 66th Street, Philadelphia, Pa., which members are all citizens of the United States.

We assure you that your intervention is in behalf of a very fine and deserving person who is now advanced in years and who suffers from high blood pressure and arthritis. It is important that Mrs. Vasiliadis spend the remaining years of her life surrounded by close members of her family free from care and worries. Mrs. Vasiliadis, excepting for the accident of birth in Turkey, would have a right to be here permanently. She is supported by her son who is a citizen of the United States and an employee at the Avenue Restaurant, 6307 Woodland Avenue, Philadelphia.

In view of the above this organization urges that every effort be made toward the successful passage of S. 3235, which bill you so kindly introduced for her relief.

Sincerely yours,

Mrs. ANTHONY ANILLAS, *President.*
Mrs. E. JOHN SALIDIS, *Secretary.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 3235), as amended, should be enacted.

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Calendar No. 2146

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2123

CERTAIN ALIENS

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 565]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 565) for the relief of certain aliens, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution is to grant the status of permanent residence in the United States to 10 aliens. Provision is made for appropriate quota deductions and for the payment of the required visa fees. In one case, provision is made for the posting of a bond as a guaranty that the alien will not become a public charge.

STATEMENT OF FACTS

H. R. 889

The beneficiary is a 41-year-old native and citizen of Mexico, who was paroled into the United States in 1955, to be with her United States citizen husband, who was to undergo brain surgery. The beneficiary previously entered the United States on February 5, 1951, as a visitor, with a Mexican passport which she had obtained in her sister's name. On October 23, 1954, she was deported to Mexico. The beneficiary's citizen husband is not expected to live more than a few months, and will most likely become totally blind in the last months. He has four United States citizen children, and the burden

of caring for and raising these children will fall on the beneficiary of the bill.

A letter, with attached memorandum, dated May 18, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 18, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 889) for the relief of Maria Luisa Gallegos, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Oakland, Calif., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have procured a visa or other documentation by fraud or by willfully misrepresenting a material fact, and would grant the alien permanent residence if she is found to be otherwise admissible.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIA LUISA GALLEGOS, BENEFICIARY OF H. R. 889

Mrs. Maria Luisa Gallegos is 40 years of age, a citizen of Mexico, born in Ario de Rosales, Michoacan, Mexico, on June 21, 1914. She is married to Juan Gallegos, a citizen of the United States. Mr. Gallegos is the father of four children by a former marriage. There are no children born by this marriage. Mrs. Gallegos is presently residing at Calle Primera No. 558 Interior, Tijuana, Baja California, Mexico, while her husband and stepchildren reside in Richmond, Calif.

Mr. Gallegos is employed through the Construction and General Laborers Unoin at a salary of about $80 per week. He owns property in Colorado valued at $900. There are no other assets.

The beneficiary last entered the United States at San Ysidro, Calif., on February 5, 1951, at which time she was inspected by United States immigration officials and admitted to the United States as a temporary visitor. She entered the United States under the name of Felipa Arriola as she used her sister's birth certificate in order to obtain a Mexican passport. Approximately 6 months after her admission she accepted employment and remained until September 17, 1953, when a warrant for her arrest was issued. On September 23, 1953, she was granted a hearing in San Francisco, Calif., and

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ordered deported under the provisions of section 241 (a) (9) of the Immigration and Nationality Act, in that after admission to the United States as a nonimmigrant, to wit, a visitor for pleasure under section 3 (2) of the Immigration Act of 1924, she failed to comply with the conditions of such status. On October 23, 1953, she was deported to Mexico through San Ysidro, Calif. On May 6, 1954, Mrs. Gallegos was denied permission to reapply for admission after deportation inasmuch as she gained admission into the United States on the basis of documents procured through fraud.

The sponsor, Mr. Gallegos, called at the Oakland office of the Immigration and Naturalization Service on September 16, 1953, stating that his wife was residing in the United States illegally; that she had been abusing his children; and that she had threatened the lives of his children. That the children had suffered abuse was substantiated by the probation department through examination of the children and interviews with neighbors. A local investigation conducted in connection with this bill failed to reveal anyone having definite knowledge concerning the alleged mistreatment of the children. A personal interview with the children indicates the beneficiary was rather strict as a stepmother but all reveal that they had not been mistreated.

In addition, the Director of the Visa Office, Department of State, submitted the following report dated March 14, 1955, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, March 14, 1955.

The Honorable EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR Mr. CELLER: Reference is made to your letter of February 4, 1955, and its enclosures, wherein you requested a report of the facts in the case of Maria L. Gallegos, beneficiary of H. R. 889, 84th Congress, 1st session.

The American consular officer at Tijuana, Mexico, has reported as follows:

"This alien submitted a preliminary application for an immigrant visa on January 25, 1954, in which she stated that she desired to enter the United States to join her husband, Juan Gallegos, an American citizen, born at Costilla, N. Mex., in 1905 and residing at Richmond, Calif., to whom she was married at Reno, Nev., in 1952. She stated that she had resided in Mexico City from 1913 to 1951 and in San Francisco, Calif., from 1951 to 1953 when she was deported to Mexico. At the time of filing her preliminary application she stated that her address was Privada Chihuahua 215—Interior 42, Tijuana, Baja California, Mexico.

"Included in the file is a signed statement in the Spanish language, dated January 28, 1954, a translation of which follows:

" 'I, Maria Luisa Arriola de Gallegos, swear that I obtained a Mexican passport in Mexico, D. F., in 1951 using the birth certificate of my sister, Felipa Arriola Lopez, because I did not have my own birth certificate. I swear also that I used that passport to obtain a

visitor's visa in the American consulate at Guadalajara, Jalisco, Mexico, in 1951, and at that same place I swore that I was the same person specified in the passport: Felipa Arriola Lopez.' "

"On the basis of the applicant's statements she was informally refused an immigrant visa on January 28, 1954 for the following reasons:

"1. Section 212 (a) (17) as a person arrested and deported and lacking permission of the Attorney General to reapply for admission;

"2. Section 212 (a) (9) as a person who has admitted the commission of a crime involving moral turpitude, to wit, perjury;

"3. Section 212 (a) (19) as a person who has procured a visa by fraud or by wilfully misrepresenting a material fact."

At this time the Department has no knowledge of any factor in Mrs. Maria Luisa Gallegos' case, other than the information hereinbefore cited, which would render her ineligible to receive a visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Gallegos from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office
(For the Secretary of State).

Congressman John F. Baldwin, the author of the bill, submitted the following letters in support of the bill:

UNITED STATES HOUSE OF REPRESENTATIVES,
Washington, D. C., August 2, 1955.

Hon. FRANCIS E. WALTER,
Chairman Subcommittee No. 1, Committee on the Judiciary, House of Representatives, Washington, D. C.

DEAR MR. WALTER: You will recall that you wrote me on July 8 answering my letter of July 1 relative to H. R. 889, the private bill I have introduced for the relief of Mrs. Maria Luisa Gallegos.

In your letter, you suggested that I contact personally General Swing, with the suggestion that he take advantage of his discretionary authority and "parole in" Mrs. Gallegos for emergency reasons. I am enclosing for your information a copy of my letter dated July 9, 1955, to General Swing, and a copy of his reply dated July 13, 1955. Upon receipt of his reply, we immediately contacted the supervisor of the medical social service department of the Contra Costa County Hospital, Martinez, Calif., asking them to contact Mrs. Gallegos immediately to have her report to the office of the Immigration and Naturalization Service at Tijuana Boulevard at Borderline, San Ysidro, Calif., in accordance with the suggestion of General Swing. They immediately took such action, and we have now received the the enclosed reply dated July 28, 1955, from the supervisor of the medical social service department.

You will notice that this reply indicates that Mr. Gallegos' operation was not successful because of the position of his brain tumor and its malignancy, and that he will probably not have more than a year to live, most likely becoming totally blind in the last months. It

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is evident that it is most essential that this private bill be passed early in the session of Congress beginning in January, so that Mrs. Gallegos may be admitted permanently into the United States, as the burden of caring for Mr. Gallegos' children will fall upon her completely. I hope, therefore, that a hearing can be scheduled on this bill as soon as we reconvene in January.

If you feel that you would like to obtain an additional report of the Immigration and Naturalization Service on this case to bring their former report up to date, I hope very much that such a report can be requested at this time so that it will be available for consideration by your committee as soon as Congress reconvenes.

With kindest regards,

Sincerely yours,

JOHN F. BALDWIN,
Member of Congress.

UNITED STATES HOUSE OF REPRESENTATIVES,
Washington, D. C., January 18, 1956.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1, Judiciary Committee,
House of Representatives, Washington, D. C.

DEAR MR. WALTER: I am enclosing the attached original letter, dated July 28, 1955, for addition to your file on H. R. 889, the private bill I have introduced for the relief of Mrs. Maria Louisa Gallegos. This letter indicates that Mr. Gallegos, who is a United States citizen, has only a few more months to live, and will probably become totally blind in the last months. He has four children and the burden of caring for and raising these children will fall on Mrs. Gallegos. All of the children are United States citizens.

You were kind enough to write me on August 4 to state that, because of the urgency of this situation, you would schedule a hearing on this private bill this January. I should like to request the opportunity to appear before your subcommittee at this hearing.

With kindest regards,

Sincerely yours,

JOHN F. BALDWIN.

COUNTY HOSPITAL, CONTRA COSTA COUNTY,
Martinez, Calif., July 28, 1955.

Hon. JOHN F. BALDWIN,
Member, House of Representatives,
House Office Building, Washington, D. C.

DEAR SIR: We would like to thank you for your very prompt action in the return of Mrs. Maria Gallegos to her family.

Mr. Gallegos' operation was not successful because of the position of the tumor and its malignancy, and he will probably not have more than a year to live, most likely becoming totally blind in the last months. He left the hospital on July 14.

Mrs. Gallegos' presence is greatly needed now, not only to care for the children, but to care for Mr. Gallegos, too.

Again we wish to thank you for your kind interest and prompt action in this case.

Yours very truly,

MISS LILLIAN WURZEL,
Supervisor, Medical Social Service Department.
By ARTHEA KNAPP,
Social Worker, Admissions.

Approved:

L. WURZEL, *Supervisor.*

H. R. 2741

The beneficiary is a 46-year-old native of Estonia, who last entered the United States on January 20, 1949, for permanent residence as a displaced person, accompanied by his wife and three children, who were also admitted for permanent residence. Deportation proceedings were subsequently instituted against the beneficiary on the grounds that he made willful misrepresentations to the Displaced Persons Commission for the purpose of gaining admission to the United States as an eligible displaced person, and that the visa he obtained was procured by fraud. The record discloses that the beneficiary concealed his attendance at the German SS and police schools and his service with the German Army. The beneficiary served in his native country as a police officer. Following the German occupation of Estonia, he was sent to a training course in technical police work in Germany for 1 month. In 1944, when the Communist armies again occupied Estonia, the beneficiary and his family escaped to Germany. He was subsequently inducted into the German Army, which forces he subsequently deserted when it became apparent that the Communists could not be driven from Estonia. Since his entry into this country, the beneficiary has been a hard-working person who is well thought of in the community in which he resides.

A letter, with attached memorandum, dated October 4, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington D. C., October 4, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9635) for the relief of Aavo Loharu, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturlization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service which has custody of those files.

The bill provides that for the purpose of the Immigration and Nationality Act, Aavo Loharu shall be held and considered to have been lawfully admitted to the United States for permanent residence

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as of the date of the enactment of this act, upon payment of the required visa fee.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE AAVO LOHUARU, BENEFICIARY OF H. R. 9635

Aavo Loharu, whose true name appears to be Lohuaru, was born January 18, 1910, in the township of Kudina, Estonia, and is a citizen of Estonia. He last entered the United States at the port of New York on January 20, 1949, as a displaced person, accompanied by his wife, Eha, and his daughters, Eda and Tea, and his son, Mati. They reside with him at 2444 Hedding Street in San Jose, Calif.

Subsequently, on the basis of evidence supplied by the Displaced Persons Commission, deportation proceedings were instituted against Mr. Lohuaro on the grounds that he made willful misrepresentations to the Displaced Persons Commission for the purpose of gaining admission to the United States as an eligible displaced person, and that the visa which he obtained was procured by fraud or misrepresentation. He was ordered deported and his appeal from that order was dismissed by the Board of Immigration Appeals on February 17, 1954.

Mr. Lohuaru attended public and high schools in Estonia. He was a member of the Estonian Army for about 1 year in 1929 and went to a military school in Estonia from 1930 to 1934. He attended a German SS military school at Bad Toeltz, Germany, from April to August 1944, and for 1 month a school conducted by the security division of the German police in Berlin. He served as a member of the 22d Division of the Estonian troops serving with the German Army against the Russians in 1945. He concealed his attendance at the German SS and police schools and his service with the German Army when seeking issuance of a visa by the Displaced Persons Commission and the American consulate at Stuttgart, Germany. Such concealment constituted willful misrepresentation and fraud.

The beneficiary is employed as a punch-press operator at $1.96 per hour. His wife has been employed since August 1952 as a hospital kitchen helper at $120 per month. His daughter, Eda, also works in a hospital on a part-time basis. His assets consist of $4,600 equity in a house valued at $12,600; a 1952 Oldsmobile car valued at $1,650; and household furniture and personal effects amounting to approximately $5,300.

Congressman Charles S. Gubser, the author of the bill, submitted the following letters in support of the bill:

SAN JOSE, CALIF., *May 10, 1954.*

Hon. CHARLES S. GUBSER,
United States Representative,
House of Representatives, Washington, D. C.

MY DEAR REPRESENTATIVE GUBSER: Because of your knowledge, as United States Representative, of the plight of Estonia and the Estonian people during World War II and your sympathy for the sufferings of Estonians and other Baltic people at the hands of the occupying Communist Russians and Nazi Germans, I am appealing to you for assistance in preventing my deportation from the United States.

In making this appeal, I do so not only because I believe the order for my expulsion from this country is unjust, but as well because of suggestions of many officials of Estonian Lutheran Churches in California, Oregon, and New York and of Estonian organizations in New York and San Francisco.

I was born in the Democratic Republic of Estonia on January 18, 1910, and graduated from high school in 1929. In the same year, I began obligatory military service for 1 year and thereafter remained in the Estonian Military School for Officers at Tallinn, Estonia, for 4 years, attaining the rank of first lieutenant in the reserve. In 1934, I was graduated from the highest grade Estonian police school (police college) in Tallinn and became a police officer, serving in the cities of Virtsu, Tapa and Tartu under the Ministry of Interior for the Estonian Republic until the Communist Russian Army occupied Estonia in 1940. During my service as a police officer I was also studying law at the Universitty of Tartu, Estonia.

In 1934, I was married and 3 children were born to my wife and me, now 15, 11, and 8 years of age, respectively. My wife and children were all admitted to the United States for permanent residence under Displaced Persons Act of 1948 at New York on January 20, 1949. All of them live with and are supported by me and there is no question as to their right to remain in the United States.

Following the invasion and occupation of Estonia by Soviet Armies in June 1940, my family and I went into hiding, as did thousands of Estonians. We remained in hiding, working with the underground movement in Estonia until August 1941, when the Germans occupied Estonia and expelled the Russians.

When the German armies reached the forest where I was hiding as a "forest brother" (Querillo), I was ordered by German officers to act as their interpreter since I spoke both Estonian and German. I was directed to interpret between Germans and Estonian Communists who had been taken prisoner and I acted in that capacity for a period of approximately 10 days or from about August 20 to August 31, 1941. During this time, I of course did not belong to the German Army. At that time, most loyal Estonians believed that the best way to restore Estonia's independence was to assist the Germans against the historical enemy of Estonia—Russia—even though we were not in sympathy with the German cause. Perhaps the motive for my decision to aid the one enemy of Estonia—Germany—is better summed up by Mr. Johannes Klesment of the Estonian National Council in his book The Estonian Soldiers in the Second World War, published in Stockholm in 1948, in which he stated:

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"The legal status of Estonia and her struggle for independence during World War II (together with her neighbors Latvia and Lithuania) is a unique thing and international law knows no analogous cases. Thus her status cannot be compared with Poland's who was successively occupied by two occupants, but whose legal government and part of whose army were able to continue their struggle on the side of the Allies. Estonia had no such advantage. Therefore, it is important to bear in mind the circumstances under which she had to fight the battle for her independence:

"1. That she had to take what help she could get from one occupant in order to fight the other approaching one who had previously given proof of being the more dangerous and more cruel of the two;

"2. That she struggled for her independence, not for the interests of the occupant in possession;

"3. That she was firmly determined in time to rid herself of this occupant whose defeat at the hands of the Western Powers could be foreseen in no distant future.

"In this connection it should be remembered that to accomplish these purposes the Estonians would have vastly preferred to accept the assistance of Great Britain or the United States of America, as they did in 1918–20 when they were fighting their war of liberation both against Bolshevik Russian and the German Landeswehr, if under the circumstances such assistance had not been out of the question. Hence follows that the Estonian soldiers, inasmuch as they fought only the U. S. S. R., can in no way be regarded as hostile where the English-speaking nations are concerned."

When the German Army had taken over Estonia from the Communist Russians, I was ordered by the Estonian Administration to return to my position as a police officer. Members of the administration were officials who came out from hiding after avoiding execution or deportation to Siberia by the Communists. While serving as a police officer, I was ordered by my superior officers to attend a training course in technical police work at Berlin, Germany, for 1 month in 1942 I attended this training course and returned to my police duties in Estonia.

In April 1944, I was given written orders by my superior, an Estonian officer, to attend, along with many Estonian police officers who were Estonian Army reserve officers, a school for military training at Bad Toelz, Germany. As ordered, I attended the school from April to August, 1944, and again returned to my duties in Estonia as a police officer.

In September 1944 when the Russian Communist Armies occupied Estonia again, I had to flee from Estonia. The only escape was by taking a ship to Germany and I left Estonia with my family September 21, 1944, the day before Estonia was occupied by the Russian Armies. Thousands of Estonians with small children, aged and sick persons, fled from Estonia in the same way. Since the day we left Estonia, my family and I have had what is a most anxious and miserable status because of insecurity and uncertainty as to our future—that of refugees or displaced persons.

Around January 10, 1945, I, as a refugee, became a member of the Estonian 22d Division of the Estonian Legion. Latvia, Hungaria, Ukrania, and others had the same kind of national legions. Each

nationality group served under officers from their own countries except that the division chiefs were almost all Germans. I was inducted into active service since I was a reserve officer in the Estonian Army. We were ordered mobilized on threat of a death penalty if we refused and there was no choice as to whether we would serve. I remained with this division until March 13, 1945, when I deserted and burned my uniform on a German farm. I deserted after a battle on March 13, 1945 between our Estonian division and the Russian Armies since it was clear that we were defeated and that we Estonians could not drive the Communists out from Estonia. We had no cause to fight for and no will to fight for our other enemy—Germany. Many other Estonian soldiers and two officers deserted with me at the same time that I knew about. I remained in hiding, going from place to place until about April, 1945, when I returned to the place where my family was living. After that date, I was living with my family on a German farm until we went to a displaced persons camp in Kempton, maintained by UNRRA in June, 1945—a camp supervised by a Frenchman.

About October 19, 1945, we were transferred to another displaced persons camp in Geislingen, Wurttemberg, Germany, maintained by the IRO (International Refugee Organization). At Camp Geislingen I was, together with all displaced persons there, questioned by IRO officials as to whether I was in the German Army. I replied that I was not since I do not consider that I ever served in the German Army, but instead in the Estonian Army. Around this time in Camp Geislingen, and in almost all displaced persons camps, the Russians began secretly to put their agents into the camp administrations until finally they almost controlled key positions in administration and camp screening commissions, emigration commissions and others. I recall a screening officer, who screened all Estonians, who was a Norwegian. Persons who admitted past service with the Estonian Legion during World War II to him were forced to leave the camp while he was in authority. After he was removed from the camp, most of these persons were permitted to return. When Estonians became camp administrators and cleared this situation with the headquarters of the American Occupation Army in Germany, all of them were returned to the camp. Later, this same Norwegian came to the camp as Soviet Russian repatriation officer in the uniform of a first lieutenant in the Soviet Russian Army. So, in answering questions as to whether I served in the German Army, I replied that I served only under the Estonian flag, which I still know to be the truth.

Later, we were moved to another IRO displaced persons camp at Ludwigsburg, Germany, where we were processed for displaced persons immigration visas. My family and I—and so far as I recall no one from this shipment to the United States—were never questioned by any member of the United States Displaced Persons Commission. This was in the early days of the displaced persons law and the procedure was not well established. I have heard that members of later groups of displaced persons were questioned by officials of the United States Displaced Persons Commission. On January 4, 1949, the American Consulate at Stuttgart, Germany, took the visa applications for my family and me and issued visas to us. We came to the United States under the sponsorship of the Church World Service, Lutheran Council, New York, arriving in New York on January 20, 1949. Since January 24, 1949, we have lived in northern California.

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On February 23, 1950, the Immigration and Naturalization Service at San Francisco issued a warrant for my arrest in deportation proceedings, charging that I failed to disclose my attendance at a German police school in Berlin, at a German military school at Bad Toelz, and my service with the German Army and association with the Nazi movement. Specifically, I am charged with withholding this information when questioned by officials of the Displaced Persons Commission or the American consulate at Stuttgart, or both. I had hearings at San Francisco on May 12 and June 2, 1950, and August 8, 1951. On November 5, 1951, my deportation was ordered and a motion to reopen my case to allow me another opportunity to disprove the charges against me was denied on February 17, 1954. At the present time, I am under an order for my deportation (file No. A7103231).

Everything that I did in Estonia or elsewhere I believed to be the best way of helping my native country. Never at any time did I voluntarily assist the German armed forces or Nazi movement to further their purpose and I never sympathized with the German aims during World War II. Everyone who knows Estonian history, or Estonian Army officers, police officers or the character of Estonian people, knows that they would never voluntarily assist their enemies. When I was fighting or working in my old country or anywhere, I was doing it for the independence of Estonia and not for the Nazis. When the ancestors of Estonian people fought thousands of years ago against the same Russians and Germans for their independence, why did I not have this same right to fight in World War II against the same enemies.

During the war, it seemed to me that it was far more sensible to fight with 1 enemy against the other 1 and later beat the first 1 than to fight alone against 2 enemies. It seems to me that the United States followed the same plan in World War II when she first fought together with Russia against Germany, and no one would say that the United States was fighting for the purposes of Soviet Russia. While a police officer, I was sent by the Estonian administration to a police school at Berlin and a military training school at Bad Toelz. I do not know why I was sent, but it could well be that my Estonian superiors thought it an opportunity to have us learn German tactics so as to be able to fight the Germans better in the future. In any event, it is well recognized now that Estonians and people of other overrun Baltic nations were forced into German military forces against their will and it was so stated in writing by the United States Department of State and Displaced Persons Commission. Please note the attached copy of a letter written March 7, 1951, by the United States Displaced Persons Commission to The Estonian Relief Commission in New York, which in part reads:

"The Baltic Waffen S. S. Units (Baltic Legions) are to be considered as separate and distinct in purpose, ideology, activities and qualifications for membership from the German S. S., and therefore the Commission holds them not to be a movement hostile to the Government of the United States under section 13 of the Displaced Persons Act, as amended."

Regarding the deportation charges against me, I have learned that the Commissioner of Immigration and Naturalization of the Department of Justice has held in a decision that the failure of an applicant for a displaced person visa to disclose his background to an official of the IRO (International Refugee Organization) does not make him

subject to deportation. In this decision (*Matter of S*, File No. A7898484), the Commissioner said that the IRO had no responsibility for enforcing or administering the Displaced Persons Act.

I would also like to point out that the Congress of the United States, in an amendment to the Internal Security Act of 1950, approved by the President on March 28, 1951, enacted law which in part reads:

"That the Attorney General is hereby authorized and directed to provide by regulations that the terms 'members of' and 'affiliated with' where used in the act of October 16, 1918, as amended, shall include only membership or affiliation which is or was voluntary, and shall not include membership or affiliation which is or was solely (*a*) when under 16 years of age, (*b*) by operation of law, or (*c*) for purposes of obtaining employment, food rations, or other essentials of living, and where necessary for such purpose."

In the committee report prepared in connection with the amendment to the Internal Security Act of 1950, approved March 28, 1951, the following statements appear:

"The bill makes clear the intent of Congress that aliens who are, or were, voluntary members of the Nazi, Fascist, or other totalitarian parties or organizations are to be excluded, but aliens who were involuntary members of Nazi, Fascist, or other totalitarian youth, national labor, student, or similar organizations are not to be considered ipso facto as members of, or affiliated with, the Nazi, Fascist, or other totalitarian parties or organizations within the meaning of the act of October 16, 1918, as amended. Furthermore, aliens who served in the German, Italian or other armed forces are not to be considered ipso facto as members of, or affiliated with, the Nazi, Fascist, or other totalitarian parties or subsidiary organizations."

I did not serve the Germans at any time. No member of the United States Displaced Persons Commission ever questioned me. The American consulate never questioned me, as to whether I was in the Estonian 22d Division or attended police or military schools.

Since I came to the United States I have devoted myself to hard, steady work to support my family and to build up here a home to replace the one my family enjoyed in Estonia before Communists burned and destroyed it during an air attack on the Estonian capital, Tallinn, in March 1944. I am deeply grateful for the opportunity extended to me and to my family to come here to live and have tried by my conduct to show my appreciation. For your consideration, I attach a letter from my employer, Mr. Daniel F. Williams.

I am sincerely attached to the principles of the Government of the United States and ask only a chance to show my allegiance to the ideals of this free country. I believe the order for my deportation is most unfair and that it fails to show understanding of the situation in which I and many thousands of Estonians were placed in having to choose between the destructive political evils of Russia and German occupation. We of the Baltic Nations fought only to save our countries and ourselves and never fought in behalf of Communists or Nazis. I did not conceal any information from any American authorities, because I had no reason to do so. Never in my life have I been arrested on any charge and never by word or act have I opposed the interests of the United States or her allies during, before, or after World War II except in the brief period when Russia was an American ally and I felt the loyal thing to do was to fight for my country and against Russia.

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For your consideration, I also attach true copies of two letters from the Department of State, dated January 30 and April 25, 1951. From these letters, you will note that by act of Congress, Estonian ex-soldiers or any Estonian who fought against communism were declared in 1951 to be eligible for displaced persons visas. Though this law passed 2 years after my entry with my family into the United States, I believe it shows that Congress did not intend to prevent a man with my background from having the opportunity to come to the United States as a displaced person.

I would be extremely grateful to you if you will consider the introduction of a private bill in Congress which would grant me the right to remain in the United States. I have the promise of several church organizations, the Estonian Relief Committee, Estonian National Committee, Estonian Independence War Veterans, Mr. A. Kaiv, Ambassador of Estonia in New York, and Mr. J. Klesment, Ministry of Estonia, now in exile in the United States, that they will heartily support any effort to give me the right to remain in the United States with my family. Each of these organizations and persons will write you separately on my behalf.

I ask that you review my case and write me as to whether you can see your way clear to aid me in retaining what I consider the priceless privilege of residing in the United States.

Sincerely yours,

AAVO LOHUARU.

SAN JOSE, CALIF., *May 27, 1954.*

Hon. CHARLES S. GUBSER,
United States Representative,
House of Representatives, Washington, D. C.

MY DEAR REPRESENTATIVE GUBSER: I Aavo Lohuaru, born January 18, 1910, in Estonia, citizen of Estonian Democratic Republic, residing at 2444 Hedding Street, San Jose, Calif., swear under oath that I have never personally advocated or assisted in the persecution of any person or group of persons because of race, religion, or national origin while serving in the Estonian Legion, under German command, police, or anywhere before, during and after World War II.

Sincerely yours,

AAVO LOHUARU.

STATE OF CALIFORNIA,
County of Santa Clara ss:

On this 27th day of May in the year one thousand nine hundred and fifty-four before me, Elta W. Holton, a notary public in and for the county of Santa Clara, State of California, personally appeared Aava Lahuaru known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal, at my office in the county of Santa Clara, the day and year in this certificate first above written.

[SEAL] ELTA W. HOLTON,
Notary Public in and for the County of Santa Clara, State of California.
My commission expires October 11, 1956.

ESTONIAN RELIEF COMMITTEE, INC.,
New York, N. Y., July 8, 1954.

The HONORABLE CHARLES S. GUBSER,
House of Representatives, Washington, D. C.

SIR: The Estonian Relief Committee, Inc., an organization created by Estonians of America origin in 1941 in order to care for Estonians who managed to flee from the Communist occupation and terror in Estonia, has since its beginning devoted itself to reestablishing Estonian refugees in this free country. When the people of the United States, having become aware of the plight of the refugees in Germany and Austria, permitted their entrance to this country by passing the Displaced Persons Act of 1948, the Estonina Relief Committee became active in its work for immigration. We experienced little trouble except for some misunderstandings about the status of men who had fought against the Communists with German arms; this, however, was only in the beginning, as in March 1951 it was recognized by the Department of State that Estonian men had been forcible and illegally drafted by the Germans into Estonian units under German command, and that these men were therefore eligible for immigration. After this problem had been cleared up, the immigration proceedings for Estonians went on smoothly.

Now, however, in one case the immigration proceedings have been taken up again, and again the question of whether a man had joined the police or army voluntarily or whether it was obligatory for a man to continue his previous service under German occupation has been thrown open. And again there is misunderstanding in the question of whether service in the Estonian national units or the Estonian police constitutes service in the German army or the German police, respectively. The case in question is Mr. Aavo Lohuaru, of 2444 Hedding Street, San Jose, Calif., in whose case a deportation decision has been made. Mr. Lohuaru has petitioned you to introduce a special bill for him which would permit him to remain in the United States together with his family, who would be left without a supporter in case of his deportation.

As we understand it, the sole reason for Mr. Lohuaru's deportation is the fact that he considered his service in the Estonian police still Estonian civil service and his commanded attendance at a criminal police course in Berlin a part of his duty as an Estonian civil servant during the time of German occupation, and that he considered his service in the Estonian division in Germany with the preceding training at a military course at Bad Toelz part of his service in the Estonian Army of which he was an officer in reserve. It is a well known fact that the unit in question was a purely national one put under German command, and thus the question of having served or not served in the German Army remains purely formalistic.

On the above reason the Estonian Relief Committee strongly supports the petition of Mr. Lohuaru and hopes that you will fine it possible to obtain a permission for him to stay in the United States so that he may be able to contribute his part to our common crusade against communism. We would like to add further that it was not uncommon during the early days of UNRRA for men to conceal any kind of military or police service from the UNRRA officers who often were on very friendly terms with Russian personnel and who could

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have, as it was strongly feared, caused extradition of any refugee who had borne arms against the Russians.

Thanking you in advance for any steps you may find feasible to to take in this matter, we remain,

Yours truly,

ALFRED J. ANDERSON,
Executive Secretary.

CONSULATE GENERAL OF ESTONIA,
New York, N. Y., May 17, 1954.

To Whom It May Concern:

This is to certify that this Consulate General has no information to the effect that the citizen of Estonia Aavo Lohuaru would have belonged to any extremist political movement in Estonia, as communism or fascism.

According to available information Mr. Aavo Lohuaru is an honest and reliable person of good character and respected by fellow Estonians.

[SEAL]

JOHANNES KAIV,
Acting Consul General.

ST. PETER'S ESTONIAN EVANGELICAL
LUTHERAN CONGREGATION OF LOS ANGELES OF THE
AUGUSTANA EVANGELICAL LUTHERAN CHURCH,
Los Angeles 6, Calif., May 21, 1954.

Hon. CHARLES S. GUBSER,
United States Representative,
House of Representatives, Washington, D. C.

DEAR MR. GUBSER: I have learned that my good friend Mr. Aavo Lohuaru, 2444 Hedding Street, San Jose, Calif., is involved in a situation with the Board of Immigration. They decided that he should be sent back to Germany, where he was a refugee 5 years ago and from there emigrated to the United States of America.

I would like to inform you about his case and ask for your consideration of this case. I have known Mr. Lohuaru since 1925 in Estonia, where we were schoolmates in the high school. He was a very friendly and intelligent student. Later he was busy in the Estonian police service and when Estonia was occupied by the German Army in 1941, he was compelled to continue his service as an Estonian policeman. He was obliged to follow the directions of the German police, but he was always there as an Estonian policeman and was never entrusted with dealings the German Secret Police had. The same was true of the German SS Army to which our Estonian soldiers belonged. They were German SS men but they did not have the same relationship or duties the regular German SS troops had.

Mr. Lohuaru was in the police service as a man who was ordered to follow the instructions of the German police, but he remained there in his duties always as an Estonian policeman with reserved rights.

In 1944 he escaped with his family to Germany and in 1945 was living in the displaced persons camp of Geislingen (Steige), where I was as a pastor. There I presented his case for emigration to the

United States of America and gave him my full support through the Church World Service in München.

Knowing his integrity I am very much concerned that his loyalty now is called in question and that he has been ordered to be deported. I am in a position to assure you that his fight has been continuously against communism and in Estonia we were in a situation to accept the German control both in the police and SS Army. The Estonians of the German SS Army have gained the right to come to the United States of America and it would seem that Mr. Lohuaru should have the same right.

Last summer I visited Mr. Lohuaru and his family in San Jose and I can assure you that he will be a loyal citizen of this free country. He has a splendid spirit to go with the United States of America everywhere against communism. I therefore petition your assistance in keeping him here so that he will not be separated from his family.

Sincerely yours,

Rev. JOHANNES AARIK, *Pastor.*

PORTLAND, OREG., *May 18, 1954.*

Hon. CHARLES S. GUBSER,
United States Representative,
House of Representatives, Washington, D. C.

DEAR SIR: I recently learned that the United States Immigration Board in Washington, D. C., has come to the conclusion that Mr. Aavo Lohuaru, with whom, I assume, you are in contact, should be deported from the United States. This action came as a great shock to me.

Aavo Lohuaru, whose address is 2444 Hedding Street, San Jose, Calif., was my schoolmate when I attended the H. Treffner High School in Tartu, Estonia, and since then has been a very good friend of mine. We attended this high school together for about 5 years. And later, when I was drafted into the Estonian Army we attended together the Estonian Military Training School for lieutenants of reserve. This was from the year 1930 to 1931. He later graduated from this school and became a first lieutenant in the Estonian Army. After his service with the army he started to serve on the Estonian police force thus keeping his rank as first lieutenant. He escaped deportation by the Communists in 1941, and after they left, he again was called to serve on the Estonian police force, but this time our country was under German occupation. When the Germans started their downfall in the Second World War they began to draft Estonian officers, especially those on the police force. Mr. Lohuaru was also among the thousands drafted. He, however, did not fight really for the Nazis but for our own country which was also attacked by the Communists, whose crimes the United States has begun to discover in the recent years. And I think that you believe as firmly as I do that it is not a crime to fight for your country, although you are forced under circumstances to do it in the uniform of another country.

The United States Immigration Board, however, has made this a big enough reason to deport Mr. Lohuaru from the United States, I do not know where, (maybe to the Soviet Union). A man who has so often risked his life in the fight for freedom and destruction of communism will be deported from the United States. I cannot understand that.

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As I mentioned before, I was really shocked by this decision as were many of my fellow countrymen and the members of my congregations. I know Mr. Aavo Lohuaru as a great anti-Communist and a good Christian. This is why I have decided to write to you, an elected representative of the people, and ask you to start immediately a bill which would enable Mr. Aavo Lohuaru to lead a peaceful life in the United States, in the country which he really loves.

Respectfully yours,

REV. KARL KIISK, *Pastor.*

TRINITY LUTHERAN CHURCH.
San Francisco, Calif., May 10, 1954.

HON. CHARLES S. GUBSER,
United States Representative,
House of Representatives, Washington, D. C.

DEAR SIR: I wish to recommend Mr. Aavo Lohuaru, 2444 Hedding Street, San Jose, Calif., as a good Christian and a father of industrious and good character, able to cooperate with others in the Christian way of life.

Estonian church members in northern California, many of whom have known him since days of Estonia's independence, as well as, during the period of German occupation and D. P. camps in Germany, do not have any knowledge of him ever cooperating with the German Government. Immigration authorities contend the contrary which appears to be the main reason for the proceedings of his deportation.

On behalf of them I ask your assistance and help to grant him and his family the legal right to stay in this country so that he and his family may find a new home in the United States to which his loyalty is unquestionable.

Sincerely,

KARL LIPPING, *Pastor.*

H. R. 2751

The beneficiary is a 34-year-old native of Yugoslavia, who now claims to be stateless. He was admitted to the United States on August 9, 1949, for permanent residence as a displaced person. On March 17, 1951, he was married to a lawful permanent resident and the couple has one child who is a United States citizen. In 1952, deportation proceedings were instituted on the ground that his immigration visa had been obtained by fraud. The record discloses that the beneficiary concealed from the International Refugee Organization and the American consul the information concerning his service in the Germany Army, and testified falsely as to the places and periods of his residence during such army service. The beneficiary served in the German Army from 1942 until 1945, when the German Army capitulated. Since his entry into the United States, the beneficiary has been gainfully employed and is considered a trustworthy person by his employer.

A letter, with attached memorandum, dated June 21, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 21, 1955.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 2751) for the relief of Peter Berth, there is attached a memorandum of information concerning the beneficiary. This memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Cleveland, Ohio, office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the reqired visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Yugoslavia.

Sincerely,

J. M. SWING,
Commissioner.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PETER BERTH, BENEFICIARY OF H. R. 2751

Peter Berth, also known as Peter Schmidt, who claims to be stateless, was born on November 9, 1921, in Mramorak, Yugoslavia. The beneficiary was married in Mansfield, Ohio, on March 17, 1951, to Elizabeth Lamnek, a legally resident alien, and a child was born to them in that city on May 22, 1952. They reside at 135 South Diamond Street, Mansfield, Ohio.

Mr. Berth is employed as a tailor by the Richman Bros. Clothing Co., Cuyahoga Falls, Ohio, at a salary of $70 per week. He attended public school in Yugoslavia from 1928 to 1934 and a trade school for tailors from 1934 to 1937. He has testified that his wife is unemployed and that she and their child are dependent on him for support. The beneficiary and his wife have about $2,700 in cash, and furniture which they value at $800. He has no near relative in the United States except his wife and child. His mother, a native of Yugoslavia, is believed to be residing somewhere in Germany. Mr. Berth has a brother, also a native of Yugoslavia, now living in Austria.

The beneficiary resided in Yugoslavia from birth until about 1942. He worked as a tailor in Belgrade, Yugoslavia, from about 1938 to about 1940, returned to his native village for a few months, and again went to Belgrade and worked as a tailor for approximately 2 years. About May 1942, he voluntarily enlisted in the German Army. He trained in Austria, served in Russia, transferred to the SS Prince

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Eugene Corps, composed of Yugoslavs, and surrendered to the British when the German Army capitulated in May 1945.

Mr. Berth arrived in the United States on August 9, 1949 at Boston, Mass., on the steamship *General W. C. Hann*, and was admitted for permanent residence upon presentation of an immigration visa issued under section 6 (b) of the Displaced Persons Act of 1948.

A warrant for the beneficiary's arrest in deportation proceedings was issued March 6, 1952, on the charge that the immigration visa with which he entered the United States was not valid because it was procured by fraud or misrepresentation. The warrant was served on March 24, 1952, and a hearing was accorded the beneficiary on May 6, 1953, at which time he admitted under oath that, when making arrangements to come to the United States, he withheld from the International Refugee Organization and the American consul the information concerning his service in the German Army; and that he had testified falsely before them as to the places and periods of his residence during such Army service.

The special inquiry officer found the beneficiary deportable on the charge stated in the warrant of arrest, but ordered the grant of voluntary departure. The Board of Immigration Appeals dismissed Mr. Bertn's appeal from the order and later denied a motion for reconsideration. He has never departed from the United States. On May 4, 1954, a warrant for his deportation to Yugoslavia was issued on the charge described above.

A visa petition submitted on behalf of the beneficiary by his wife has been approved. However, he is excludable from admission into the United States and ineligible to receive an immigrant visa under section 212 (a) (19) of the Immigration and Nationality Act as an alien who has secured a visa by fraud or by willfully misrepresenting a material fact.

Mr. Berth claims that because of his German descent he would be persecuted by the Yugoslav Communists if returned to his native country. He bases this assertion on the claim that during World War II his father was shot, that his grandmother died in a concentration camp, and that his mother was confined in the same camp about 3 years. His statement regarding his relatives is borne out to some extent by the testimony of three witnesses now in the United States.

The beneficiary has had no military service in the Armed Forces of the United States. Because of his age, he has never been required to register under the selective service laws of this country.

H. R. 6766 was introduced in Mr. Berth's behalf in the 83d Congress, 1st session, but on that bill the Congress took no action.

Congressman J. Harry McGregor, the author of the bill, submitted the following letters in support of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 3, 1955.

Re Berth, Peter, H. R. 2751.

Hon. EMANUEL CELLER,
Chairman, Judiciary Committee,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: We are today in receipt of your letter of March 2 regarding H. R. 2751, my bill for the relief of Peter Berth. In compliance with your request, we are hereby providing the necessary information concerning Mr. Berth.

It is our understanding Mr. Berth is a native of Yugoslavia and entered the United States at Boston, Mass., on August 9, 1949, as a passenger on the United States steamship *General W. G. Hahn*, at which time he was admitted as a displaced person upon presentation of an immigration visa. He is married and has an American-born son. He resides with his wife at 135 South Diamond Street, Mansfield, Ohio.

We trust this information will complete your file. May we respectfully request that you ask the Department of Justice to submit a report on this bill. Your cooperation on this matter will be greatly appreciated.

Respectfully yours,

J. HARRY MCGREGOR,
Member of Congress.

MANSFIELD, OHIO, *August 3, 1953.*

Hon. J. HARRY MCGREGOR,
Congressman from 17th District, Ohio,
Washington, D. C.

DEAR MR. MCGREGOR: I understand that you have been contacted by Mr. Anthony Knefely, of Mansfield, to introduce a private bill for the relief of one Peter Berth.

Just what this means I do not exactly know but I do want to explain to you that I have become acquainted with Peter Berth and believe him to be honest and of good character and would make a good citizen of the United States of America.

I do not know all the details of his life but know that he came to this country from Yugoslavia after the close of the war, is a tailor and worked at the local Richman Bros. store, became acquainted with a young lady who also was in one of the German camps from his country and they are now married and have one son about a year old.

It seems as though Peter did some misrepresenting when he applied for admission but after an experience in conversion at the same church I attended he admitted his wrong and the immigration service now is planning on deporting him.

You may have more facts and details than I do and not as a favor to me but to Peter and his wife and son I do wish that you could exhaust all means to allow him to remain in this country. Some action must take place somewhere along the line within 60 days as that is the deportation deadline, according to what information I have.

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I presume that if he were permitted to remain here he would apply for citizenship and I am very sure that he would make a good one. I trust that you will take favorable action and if there is any way in which I can be of assistance I will be glad in order to be of most use to Peter.

Very earnestly yours,

F. F. SMITH.

THE RICHMAN BROS. CO.,
Mansfield, Ohio, July 21, 1953.

Hon. JOHN W. BRICKER,
Senator from Ohio, Washington, D. C.

DEAR MR. SENATOR: This letter is to state that Mr. Peter Berth was an employee of our company from August 1949 to September 1952 as a tailor.

During this period, we have found Mr. Berth a trustworthy employee in every respect.

We have the utmost confidence in Mr. Berth as to his character, honesty, and integrity.

Very truly yours,

C. H. SAYLOR, *Manager.*

OHIO HOUSE OF REPRESENTATIVES,
Columbus, July 13, 1953.

Hon. JOHN W. BRICKER,
Senate Office Building, Washington, D. C.

DEAR SENATOR BRICKER: In addition to what Mr. Anthony Knefely has written to you about Mr. Peter Berth may I include my request that you sponsor a private bill in behalf of Mr. Berth.

Mr. Berth is known to me personally and I can give him nothing but the highest recommendations. He is in all respects a most beneficial element in our community.

Thank you for your kind consideration.

Sincerely,

NEIL S. ROBINSON.

H. R. 3199

The beneficiary is a 23-year-old native and citizen of China, who last entered the United States on December 2, 1953, as a member of our Armed Forces returning from service in Korea and Japan. He first entered this country on July 13, 1951, without inspection. He entered the United States Army on June 2, 1952, and was honorably discharged on December 2, 1953. The beneficiary attended college for one term, and is presently employed as a waiter.

A letter, with attached memorandum, dated June 15, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commission of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 15, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 3199) for the relief of Ming Yu Chen, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MING YU CHEN, BENEFICIARY OF H. R. 3199

The beneficiary, Ming Yu Chen, a Chinese citizen, was born at Non-Po, Chekiang Province, China, on November 25, 1932. He resides at 15 East First Street, New York, N. Y. Mr. Chen's employment is that of a waiter in various Chinese restaurants in New York City. He earns a weekly salary of $25 supplemented by gratuities. His assets consist of a savings bank account with a present-day balance of $10, and personal effects estimated at $400. The beneficiary attended grade school and secondary school for a period of ten years in his native country, and also attended West Virginia Wesleyan College, Buchanan, W. Va. from September 1954 to February 1955. His mother and sister, citizens of China, reside in Hong Kong. A brother, also a citizen of China, resides in Shanghai, China.

The alien last entered the United States at Champlain, N. Y. on July 13, 1951, surreptitiously. Deportation proceedings were instituted through the issuance of a warrant of arrest on July 14, 1951, charging him with entry without inspection, not in possession of a valid passport, and also, an immigrant not in possession of a valid immigration visa. The hearing officer recommended deportation. The alien appealed and on October 5, 1951, the Assistant Commissioner, Inspection and Examinations Division, ordered that the alien's application for voluntary departure be denied. It was further ordered that the alien be deported pursuant to law. An appeal from that decision was dismissed by the Board of Immigration Appeals on December 29, 1951, and a warrant for his deportation was issued.

On July 14, 1951, the alien was arrested for entering the United States illegally. He pleaded guilty before the United

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States district court, Utica, N. Y., and was sentenced to 30 days imprisonment, which he served.

Mr. Chan was a member of the United States Army, A51168110, from June 2, 1952, until he was honorably discharged on December 2, 1953. In November 1952 he left the United States as a member of the United States Army, served overseas in Korea and Japan, and returned to this country on December 2, 1953.

Congressman Herbert Zelenko, the author of the bill, submitted the following letters in support of the bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 31, 1955.

Re H. R. 3199 For the relief of Ming Yu Chen.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR Mr. CHAIRMAN: I am writing to you with regard to H. R. 3199, legislation I have introduced for the relief of Ming Yu Chen, who resides at 530 West 122d Street, New York City.

Mr. Chen was born in Ningpo, Chikong, China; he embarked from Hong Kong on February 25, 1951, aboard the steamship *New Archer* as a cabin boy, and entered the United States, at Champlain, N. Y., on July 13, 1951. On June 2, 1952, Mr. Chen was drafted into the United States Army and served with the 330th MISP Platoon in Korea until December 2, 1953, when he was discharged under honorable conditions by virtue of the fact that he was an alien without legal residence in the United States.

I would appreciate your obtaining the necessary reports from the appropriate Government agencies in order that this bill can be considered when it is reached on the committee calendar.

With every good wish, I am.

Sincerely yours,

HERBERT ZELENKO,
Member of Congress.

AMVETS,
New York 1, N. Y., June 30, 1954.

Re Chen, Ming Yu, 530 West 122 Street, New York City
S No. US 51 168 110

Hon. JACOB K. JAVITS,
House of Representatives,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN JAVITS: This is to certify that I have known Mr. Ming Yo Chen since his honorable discharge in early December 1953. I do not hestiate to vouch for this young man for he has impressed me very favorably. I have found him to be neat, personable, and possessing an integrity conducive to good citizenship.

Mr. Chen is a member in good standing of AMVETS. I have come to know him as a person of constructive ideas. He has demonstrated his desire to become self-sufficient by becoming employed under most handicapping conditions, and by his interest in actively

pursuing courses in English, algebra, typing, and economic citizenship. I believe you will join me in agreeing that this reflects well upon his character and initiative.

Should you desire any further information concerning Mr. Chen, I should be very happy to cooperate in whatever way possible. May I add my own personal thanks for your interest in Ming's behalf.

Most sincerely yours,

LESTER E. SPEAR,
National Service Officer.

MARCH 23, 1954.

Re Chen, Ming Yu, 530 West 122d Street, New York, N. Y.

Hon. HERBERT LEHMAN,
United States Senate, Washington, D. C.

DEAR SENATOR LEHMAN: This organization is assisting the above-named veteran in his quest for citizenship, but the many obstructions encountered have prompted us to seek your assistance. Perhaps a history of the case will better acquaint you with our problems.

On February 25, 1951, Ming Yu Chen embarked from Hong Kong aboard the steamship *New Archer*, as a cabin boy; on July 13 of that year, Chen "jumped ship" in Chaplin, N. Y., and entered the United States. He was drafted on the second day of June 1952, into the United States Army and subsequently served with the 70th Tank Battalion, 1st Cavalry Division, in Japan, and later with the 330th MISP Platoon, in Korea, as an interpreter interrogating Chinese prisoners. Chen was discharged, under honorable conditions, on December 2, 1953, by virtue of the fact that he was an alien without legal residence in the United States of America. He had honorably served his chosen and adopted country against an agressive enemy for about a year and a half.

Since his discharge Chen has applied for citizenship under Public Law 86 and has been advised of denial by the Department of Justice, Immigration and Naturalization Service, of New York City, "inasmuch as you are unable to show that you were physically present in the United States for a single period of 1 year at any time before entering the Armed Forces, it appears that you are not eligible for naturalization." Chen was living in this country for 11 months and 11 days prior to his entry into the service. He has further been advised by the counsel general of the Republic of China that the Refugee Relief Act of 1953, Public Law 203, can offer him no succor. Some time ago he wrote to Senator William Langer, of the Senate Committee on the Judiciary, and was advised by the Senator to seek relief again under Public Law 86.

Chen's alien registration number is A8091749; his present passport expires next January, and although it may be renewed at that time, many benefits are denied him because of his alien status. It would not be very feasible for Chen to return to his birthplace in Ningpo, Chikong on the mainland of China, since he has espoused the cause of freedom and democracy, and physically fought and opposed the communist demagogues who have overrun his country.

I feel that Ming Yu Chen is a worthy and deserving applicant for citizenship. He is neat, polite and sincere in his efforts as well as being intelligent and well-voiced on his favorite subject—the United

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States of America. I enthusiastically recommend this fellow-veteran of the Korean campaign for that title which he diligently seeks—United States citizen.

It is my sincerest hope that you will be able to offer some assistance of special legislation in this case. You may be sure that Chen will appreciate any efforts you may make in his behalf, and this office will be ever grateful for any aid you may offer.

Very truly yours,

T. EUGENE MALONE, *National Service Officer.*

H. R. 4040

The beneficiary is a 58-year-old native and citizen of Italy, who last entered the United States on June 18, 1926, as a visitor. In 1931, the beneficiary married a permanent resident of the United States, who subsequently became a citizen. The couple has four United States citizen children. The beneficiary has been found ineligible for suspension of deportation because of his conviction in Italy in 1921, for the crime of statutory rape. He was subsequently pardoned by the King of Italy for this offense. The beneficiary is gainfully employed and supports his citizen wife and four children.

A letter, with attached memorandum, dated November 8, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 8, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 10192) for the relief of Michele Constantino Pastore, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As the husband of a United States citizen, Mr. Pastore is entitled to nonquota status in the issuance of an immigration visa.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING MICHELE CONSTANTINO PASTORE, BENEFICIARY OF PRIVATE BILL H. R. 10192

The beneficiary, Michele Constantino Pastore, whose true name appears to be Michele Costantino Pastore, or Michele Pastori, was born September 7, 1897, at Casa-

massima, Bari, Italy, and is a citizen of Italy. He came to the United States June 18, 1926, as a visitor, to attend the Eucharist Congress and has remained here since that time. Deportation proceedings were instituted, and on July 1, 1954, a special inquiry officer ordered the subject to depart voluntarily from the United States, or be deported. It was also found he was ineligible for suspension of deportation inasmuch as he is in a class defined under section 19 (d) of the 1917 Act.

On June 13, 1921, in Italy, the subject was convicted of the crime of statutory rape. On November 19, 1924, the court of appeals affirmed the conviction and condoned 6 months of the penalty of a sentence of 1 year for the crime. He claims that after having actually served 2 or 3 months in jail, he was pardoned by the King of Italy. Subject was first married in Italy in 1921. In 1922, they were separated through legal proceedings and a child was born to them February 13, 1923. Beneficiary married his present wife, Rosa Maria Pina Damiani, on September 8, 1931, at Burlingame, Calif. She was naturalized at Visalia, Calif. on June 9, 1944, certificate No. 6035623. During the course of his deportation hearing, some doubt arose as to the validity of subject's present marriage. He thereupon secured an annulment of his first marriage and remarried his present wife at Reno, Nev., on June 17, 1947.

Beneficiary and his present wife have four children, the eldest of whom is studying law at the University of San Francisco. The other children reside with them in Fresno, Calif. Beneficiary is employed by the California Growers, Inc., Reedley, Calif., at a salary of $100 per week. He formerly operated an olive-packing plant in Fresno and an olive processing and canning factory in Visalia, Calif. Both ventures ended in bankruptcy. He has discontinued his efforts in that field. He claims to own 10 acres of land, valued at $25,000, which is mortgaged in the amount of $14,000. He owns canning equipment, which he values at $15,000, and cans, labels, and supplies valued between $2,000 and $3,000. His wife contributes to the income by being seasonally employed in a packinghouse.

In addition to the statutory rape conviction in Italy, the subject was arrested in the United States at Fresno, Calif., for fighting, in 1933, for which he spent 1 day in jail. In 1934 or 1935, he states he was accused of stealing $3, but the case was dismissed. In 1939, he was taken to the Tulare County Jail at Visalia, Calif. for about 1 hour, following domestic trouble. During 1944 and 1945, subject and his Superior Olive Co. of Visalia, were defendants in a suit brought by the Office of Price Administration for alleged violations of OPA regulations and price ceilings. The case was dismissed. Beneficiary had the equivalent of a high-school education in Italy. Neighborhood investigation in the vicinity of his place of residence was favorable to the beneficiary.

Congressman John Phillips, the author of the bill, submitted the following telegram in support of the bill:

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FRESNO, CALIF., *February 27, 1956.*

Re Michele Constantino Pastore

Congressman B. F. SISK,
House Office Building, Washington, D. C.:

Checked our Records Bureau, also Fresno County Records Bureau. Failed to find any record other than the minor violations with which you are already familiar. Pastore has not been a police problem according to records.

H. B. MORTON, *Chief of Police,*
By D. E. STINE, *Deputy Chief of Police.*

In addition, Congressman Philipps submitted the following order of the Immigration and Naturalization Service in connection with the beneficiary's application for suspension of deportation:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
San Francisco, July 1, 1954.

File: A5649139.

In re: Michele Constantino Pastore, in deportation proceedings in behalf of respondent: Laurence B. Meyers, attorney at law, 844 North Van Ness Avenue, Fresno 4, Calif.

CHARGES

Warrant: Act of 1924; visitor; remained longer.

Lodged: Immigration and Naturalization Act; excludable at time of entry as a person who has been convicted of a crime involving moral turpitude prior to entry, to wit, statutory rape.

Application: Suspension of deportation.

Detention status: Released under a $500 delivery bond.

Warrant of arrest served: July 18, 1945.

DISCUSSION

This record relates to a 56-year-old married male, a native and citizen of Italy, who has testified that he last entered the United States on June 18, 1926 at New York on the steamship *Giuseppe Verdi.* He states that he was admitted as a visitor for a period of 1 year. This entry has been verified and the record discloses that he was admitted under section 3 (2) of the Immigration Act of 1924. He has testified that he intended to return to Italy at the time of his arrival in this country; however, he later decided to remain in the United States. It is found that the charge contained in the warrant of arrest is sustained by the evidence.

The respondent has testified that he was arrested in Italy in 1920 and charged with seduction, for which offense he served 3 or 4 months in jail. He has identified an authenticated copy of the record appearing in the criminal division of the court of appeals of Le Puglie in and for Bari, wherein it appears that Pastore Michele was sentenced to imprisonment by the criminal court of Bari on June 13, 1921, for the crime of statutory rape. The record shows that the court of appeals of Le Puglie on November 19, 1924, affirmed the conviction

of the court of Bari and condoned 6 months of the physical penalty. The respondent has testified that he was granted by proclamation of the King of Italy a pardon from this crime. This would be immaterial as it has been held that a pardon received abroad for a crime committed there does not remove the grounds of exclusion based on that crime (*Matter of N: A–6953557* decided August 26, 1949). The record of the court discloses that the respondent did reside in an illicit relationship with a 17-year-old girl. Article 341 of the Penal Code, under which the respondent was convicted, reflects that "Whoever, by violence, threat or deceit, holds or detains, for the purpose of lust or of marriage, a minor, or a married woman for the purpose of lust, is punishable by imprisonment from 3 to 7 years. If the minor be held or detained without violence, threat or deceit, but with her own consent, the penalty is for imprisonment for a period of from 6 months to 3 years."

It is concluded on the basis of the foregoing that the lodged charge is sustained.

The presiding inspector had previously proposed that deportation of the respondent be suspended under section 19 (c) of the Immigration Act of 1917. This recommendation was made on April 1, 1948. On May 3, 1951, the case was remanded to the field and ordered reopened in order that the record could be brought up to date.

The respondent is married to a citizen of the United States and has four children of this relationship who were born in the United States. Three of the children are minors and reside with their parents and the eldest is attending college. The family is entirely dependent upon the respondent. The respondent has testified that he is in the olive business and has had no income for the past 2 years; that he has supported himself and his family on the reserves which amount to about $15,000. The respondent has testified he was arrested in 1933 for fighting in Fresno, and was in jail 1 day for this offense. He was charged with stealing $3 in 1934 or 1935, which charges were dismissed. He testified that he was in jail for about 1 hour in Visalia, Calif., in 1939, because of trouble with his wife and that subsequently has been arrested a few times for traffic violations. He was charged with violating the regulations of the Office of the Price Administrator in 1945, which charges were dismissed by the United States district court. An independent character investigation discloses that the respondent has not been other than a person of good moral character and that he is loyal to the United States. He is registered under the Selective Service and Training Act of 1940. His application for suspension of deportation filed under section 19 (c) of the Immigration Act of 1917, cannot be given favorable consideration as he is within a class defined under section 19 (d) of the act by virtue of his conviction and sentence in Italy. It appears that he meets the statutory requirements for voluntary departure, which is the next best discretionary relief that may be granted to him.

The respondent has testified that in the event he is ordered deported from the United States, he desires to be returned to Italy.

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FINDINGS OF FACT

Upon the basis of all the evidence presented, it is found:

(1) That the respondent is an alien, a native and citizen of Italy;

(2) that the respondent last entered the United States at New York, N. Y., on June 18, 1926;

(3) that the repondent at the time of this entry was admitted under section 3 (2) of the Immigration Act of 1924 as a temporary visitor;

(4) that the respondent intended to return to Italy upon the completion of his visit;

(5) that the respondent was convicted in the court of Bari, Italy on June 13, 1921, of the crime of statutory rape.

CONCLUSIONS OF LAW

Upon the basis of the foregoing findings of fact, it is concluded:

(1) That under section 13 and 14 of the Immigration Act of May 26, 1924, the respondent is subject to deportation on the grounds that after admission as a visitor he has remained in the United States for a longer time than permitted under said Act or regulations made thereunder;

(2) that under section 241 (a) (1) of the Immigration and Nationality Act, the respondent is subject to deportation on the grounds that at the time of entry he was within one or more of the classes of aliens excludable by the law existing at the time of such entry, to wit: A person who has been convicted of a felony or other crime or misdemeanor involving moral turpitude prior to entry into the United States under section 3 of the act of February 5, 1917, to wit, statutory rape.

ORDER

It is ordered that the alien be granted voluntary departure at his own expense in lieu of deportation, within such period of time or authorized extensions thereof and under such conditions as the district director or officer in charge having administrative jurisdiction of the office in which the case is pending shall direct.

It is further ordered that if the alien fails to depart when and as required, the privilege of voluntary departure shall be withdrawn without further notice or proceedings and the alien deported from the United States in the manner provided by law on the charge contained in the warrant of arrest and the lodged charge.

NORMAN H. SPECK,
Special Inquiry Officer.

H. R. 3870

The beneficiaries are husband, wife, and minor child who are natives of Rumania, Austria, and China, respectively. Each of the beneficiaries was last a citizen of Austria and resident of China, and each now claims to be stateless. They last entered the United States on March 11, 1949, in transit to Canada. The couple's second child was born in this country, and is a citizen of the United States. In 1939, the adult beneficiaries fled from Austria to Shanghai, China, where

the minor beneficiary was born, and where they resided until their entry into this country. The male beneficiary's business was confiscated in 1942 by the Japanese occupation forces. He is presently employed as a designer of handbags and supports not only his wife and two children, but his wife's parents, who are elderly citizens of the United States.

A letter, with attached memorandum, dated November 8, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiaries, reads as follows:

NOVEMBER 8, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 10183) for the relief of Oswald E. Kohlruss, Antonie Kohlruss, and Evelyne Hedy Kohlruss, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the New York, N. Y. office of this Service, which has custody of those files.

The bill would grant these aliens the status of permanent residents of the United States upon payment of the required visa fees. It also directs that the required numbers be deducted from the appropriate immigration quota or quotas.

Oswald E. Kohlruss is chargeable to the quota of Rumania, Antonie Kohlruss to the quota of Austria, and Evelyne Hedy Kohlruss to the quota of China.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE OSWALD E. KOHLRUSS, AND EVELYNE HEDY KOHLRUSS, BENEFICIARIES OF H. R. 10183

Oswald E. Kohlruss, a native of Cernowitz, Rumania, was born on May 26, 1916. His wife, Antonie Kohlruss, nee Menkes-Vrandler, was born in Vienna, Austria, on December 26, 1916. The couple's daughter, Evelyne Hedy Kohlruss, was born in Shanghai, China, on June 20, 1945. Each of the beneficiaries was last a citizen of Austria and a resident of China, and each now claims to be stateless. They entered the United States together at San Francisco, Calif., on March 11, 1949, at which time they were admitted for a 1-month period while in transit to Canada. On December 5, 1949, warrants for the arrest of the aliens were issued, based on the charge that they had remained in this country for a longer period than permitted under the terms of admission. The beneficiaries then applied for, but were denied, adjustment of status as displaced persons residing in the United States. Subsequent hearings in deportation proceedings led to this

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Service's approval of applications filed by the adult beneficiaries for adjustment of status and based on alleged economic detriment to the couple's second child, Patricia Ann Kohlruss, who was born in New York, N. Y., on August 14, 1951. However, upon referral to Congress, the suspension of deportation cases of the adults failed of passage. Thereupon, Mr. and Mrs. Kohlruss were granted the privilege of voluntarily departing from the United States within a period extending to August 5, 1954, failure to so depart to result in deportation. Meanwhile, the case of Evelyne Hedy Kohlruss had been ordered held in abeyance pending outcome of that of her parents. The minor alien is the beneficiary of an approved visa petition, filed under section 203 (a) (4), Immigration and Nationality Act and forwarded to the Department of State on February 11, 1954.

The male beneficiary, although born in Rumania, was raised in Vienna, Austria, by his Austrian parents. Each adult beneficiary attained secondary education in Vienna, Austria, Mr. Kohlruss having received a teacher's diploma and Mrs. Kohlruss having graduated from junior commercial college. The couple married in Vienna, Austria, on July 27, 1938. They fled as refugees from Austria in 1939, and resided in Shanghai, China, until arriving in the United States in 1949. Mr. Kohlruss was self-employed as a handbag manufacturer, and later as a salaried social worker, in Shanghai. His business there was confiscated in 1942 by the Japanese occupation forces. In the United States Mr. Kohlruss has been a salaried designer of handbags, with a current income of $110. Family assets, which are confined to the United States, consist of approximately $800 in cash and personal effects valued at $4,000. In addition to supporting his wife and two children, he contributes an equal share with his brother-in-law to the support of Mrs. Kohlruss' parents, who are United States citizens residing with the beneficiaries. Evelyne Hedy Kohlruss is attending public school in Rockville Centre, Long Island, N. Y.

Congressman Herbert Zelenko, the author of the bill, submitted the following letters and statements in support of the bill:

ROCKVILLE CENTRE, LONG ISLAND, N. Y.

I, Oswald E. Kohlruss, was born on May 26, 1916, at Czernauti, Rumania, although both of my parents are Austrians by birth and citizens of that country. At the time of my birth my father was in the military service of Austria and was in Rumania in connection with that service.

I was educated in Vienna, Austria (5 years grammar and 8 years in teachers training school). I graduated with a degree which entitled me to teach in elementary school. Three months after graduation, that is, July 1938, I married Antonie Menkes, who was born in Vienna, Austria, on December 26, 1916.

Shortly before I graduated, the Hitler regime had advanced to Austria. In January 1939, I obtained a German passport and left for Italy with my wife, unwilling to live under the Hitler regime. I had been arrested and harassed before my flight from Vienna. From

Genoa we went directly to Shanghai, China, which was then an international settlement. I registered the first time for immigration to the United States on May 27, 1938, at Vienna, not able to wait for the turn of my quota number, which is Rumanian. We remained in Shanghai from 1939–49. While in Shanghai, my daughter, Evelyne Hedy, was born. From May 1943 to August 1945, during the Japanese occupation of Shanghai, my wife and I were in a concentration camp. After Shanghai was liberated we applied again for immigration to the United States under the Rumanian quota. While in Shanghai I worked with various Cathoic and Jewish welfare organizations and have letters of recommendation from them.

In 1949, when the Red Communist army neared Shanghai, I applied for and received an Austrian passport from the Austrian consulate in Shanghai and I obtained a visitor visa to Canada. We left Shanghai in February 1949 on the steamship *General Meigs*, a former troop transport. I received also a transit visa permitting me and my family to visit the United States on my way to Canada. We landed in San Francisco in March 1949 and came to Rockville Centre, Long Island, N. Y., to visit Mr. and Mrs. Jacob Menkes, my parents-in-law. The parents were then elderly and unable to support themselves. Both we went to work to help support ourselves and my wife's parents, and we remained in New York State ever since. It had not been our intention to stay in the United States, but due to the circumstances in which we found my wife's parents we decided to do so.

The grounds of hardship upon which we ask for consideration are—

(1) The birth of our youngest daughter, Patricia Ann, in New York City on August 14, 1951.

(2) Due to our long displacement from Austria, our lack of any contact with persons there, and the fact that we have no property or means of support in Austria or elsewhere in Europe would make it extremely hard for us to be forced to return.

(3) I am now established as a foreman and designer of handbags and I am employed by Susan Gail Handbags, Inc., of 22 West 30th Street, New York City. I help support my father- and mother-in-law who are naturalized citizens of the United States. I am the sole support of my children, the youngest of whom is a citizen of the United States by birth.

OSWALD E. KOHLRUSS.

VILLAGE OF ROCKVILLE CENTRE, N. Y.,
January 18, 1956.

Hon. HERBERT ZELENKO,
House of Representatives, Washington, D. C.

DEAR SIR: My attention has been called to a bill, a copy of which is attached, introduced by you in the 84th Congress, 1st session, H. R. 3870, which bill I understand is to be brought on for hearing in the near future and which involves the granting of relief under the Immigration Act to persons who are now residents of this village, namely Oswald E. Kohlruss, Antonie Kohlruss, and Evelyne Hedy Kohlruss.

I wish to advise that said Oswald E. Kohlruss, Antonie Kohlruss, and their daughter Evelyne Hedy Kohlruss have resided at 16 Norcross Street, Rockville Centre, N. Y., for the past 3 years. Mrs. Kohlruss' father and mother, Jacob and Gisela Menkes, also reside

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at the Rockville Centre address together with a brother of Mrs. Kohlruss, Albert M. Menkes. Mr. and Mrs. Menkes are of the ages of 78 and 77, respectively, and are in poor health. My investigation shows that they have no means of support except that which is furnished by their son, Albert M. Menkes and by Mr. and Mrs. Kohlruss. My investigation furtner shows that Mr. and Mrs. Kohlruss also have a daughter, Patricia Ann Kohlruss, who was born in the United States on August 14, 1951, who also is residing with Mr. and Mrs. Kohlruss and that if Mr. and Mrs. Kohlruss are required to leave the United States because of immigration rules or requirements the parents and the brother will no longer be able to maintain the home and it is possible that the parents may become the subjects of local relief agencies for the reason that the brother is unable to maintain the household solely upon his earnings.

Mr. and Mrs. Kohlruss enjoy a good reputation in this community and appear in every way worthy subjects of the relief which the above bill would afford them. Your continued support for this bill is therefore requested.

Very truly yours,

W. HARRY LISTER, *Mayor.*

ROCKVILLE CENTRE, N. Y.
January 17, 1956.

Hon. HERBERT ZELENKO,
Member of Congress, House of Representatives,
Washington, D. C.

DEAR SIR: I take the liberty in presenting to you my honorable discharge papers as proof for my service in the United States Army. I am proud that I had the opportunity to serve this wonderful country during World War II as a United States citizen.

I live with my aged and ailing parents, Jacob and Gisela Menkes, my sister Antonie Kohlruss, my brother-in-law Oswald E. Kohlruss, and my two nieces, Evelyne H. and Patricia Ann Kohlruss, together at 16 Norcross Street, Rockville Centre, N. Y.

I am most thankful to you in introducing bill H. R. 3870 for my sister and her family. We all see in a favorable consideration of this bill the only solution to live happily together in these United States.

Since I am single and working all day my parents, 78 and 77 years, respectively, are depending entirely on the care and attention my sister renders to them constantly. A breakup of our family would certainly result in extreme hardship to everyone concerned.

With deepest gratitude, I remain, most respectfully yours,

ALBERT M. MENKES.

Term expires March 30, 1956.

SHELLIE D. DAY,
Notary Public, State of New York.

JANUARY 18, 1956.

To Whom It May Concern:

Investigation was conducted by the police department in regard to the status of Mr. and Mrs. Oswald E. Kohlruss, and their two children, Evelyne Hedy and Patricia Ann, who reside with Mrs. Kohlruss'

father and mother, Jacob and Gisela Menkes, ages 78 and 77, respectively, at 16 Norcross Street, Rockville Centre, and a son of Mr. and Mrs. Jacob and Gisela Menkes, namely, Albert Menkes, age 34, who also resides at 16 Norcross Street, Rockville Centre.

Mr. and Mrs. Jacob Menkes are in poor health, and they have no visible means of support other than that of Mr. Oswald E. Kohlruss and Mr. Albert Menkes. If the Kohlruss family were required to leave the United States because of the emigration rules and requirements, Mr. Albert Menkes would no longer be able to maintain the home or support of his parents, thereby the possibility of subjecting Mr. and Mrs. Jacob Menkes to local relief agencies.

There is no police record and no charges pending against Mr. and Mrs. Oswald E. Kohlruss. In the 3 years they have resided in Rockville Centre, they have enjoyed a good reputation.

THOMAS A. EIBLER,
Chief of Police.

ST. AGNES RECTORY,
Rockville Centre, Long Island, N. Y., February 4, 1956.

Hon. HERBERT ZELENKO,
House of Representatives, Washington, D. C.

DEAR SIR: Mr. Oswald E. Kohlruss, who resides at 16 Norcross Street, Rockville Centre, N. Y., has requested me to write a letter of recommendation for him. He hopes that this character reference, will be of assistance to him, when the case concerning his residence in this country is given consideration.

Mr. Kohlruss has been a member of the parish of St. Agnes, Rockville Centre, for a period of about 3 years. We have found that he and other members of his family, have been excellent additions to our parish.

His daughter, Evelyn, attends St. Agnes Elementary School. She is an amiable and capable student, and one who will grow to be a fine American lady, if her family is permitted to remain.

Many hardships will be caused if Mr. Kohlruss and his family are requested to leave. For this reason, we trust that the enclosed bill, introduced by you in Congress, will be the cause of granting them permanent residence in the United States, since they are people of excellent character, and potentially fine citizens.

Faithfully yours,

Rt. REV. PETER QUEALY.

H. R. 5548

The beneficiary is a 39-year-old native of Germany, who claims to be stateless. He last entered the United States on May 5, 1947, for permanent residence, in possession of a quota immigration visa. In 1953, deportation proceedings were instituted against the beneficiary in that his visa was obtained by fraud. The record discloses that on August 12, 1942, the beneficiary was convicted in England, of the crime of larceny and placed on probation. The beneficiary has built a substantial business in this country and is the sole support of his aged parents, who are citizens of the United States. In addition, the beneficiary has a brother who is a citizen of this country.

A letter, with attached memorandum, dated June 20, 1955, to the chairman of the Committee on the Judiciary of the House of Repre-

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sentatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 20, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5548) for the relief of Paul Max Julius Schweitzer, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

It appears that the bill is intended to grant the alien permanent residence in the United States as of the date of its enactment, notwithstanding the fact that he has been found subject to deportation under section 241 (a) (1) of the Immigration and Nationality Act on the ground that he committed a crime involving moral turpitude prior to entry.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PAUL MAX JULIUS SCHWEITZER, BENEFICIARY OF H. R. 5548

The beneficiary, Paul Max Julius Schweitzer, was born in Germany on February 24, 1917, and now claims to be stateless. He is single and resides at 20 Dongan Place, New York City. Mr. Schweitzer is a zipper jobber operating under the trade name of Paro International at 220 Fifth Avenue, New York City. He claims an income of $6,000 a year from that business. In addition to this business, he has $10,000 in a bank account, stocks and bonds valued at $14,500, $7,500 of other business investments, as well as personal property valued at approximately $5,000.

The beneficiary graduated from high school in his native city. Prior to coming to the United States, he resided in England for 12 years. His parents and brother are United States citizens. He has no close relatives abroad.

The beneficiary arrived in the United States at New York, N. Y. on the steamship *Gripsholm* on May 5, 1947, and was admitted for permanent residence as a quota immigrant. On October 2, 1953, he was served with a warrant of arrest in deportation proceedings issued on the ground that he was excludable at the time of entry because he was convicted of a crime involving moral turpitude prior to entry, to wit: larceny. On August 11, 1954, after a hearing, he was granted voluntary departure with the alternative of deportation if he failed to depart. On February 28, 1955, the Board of Immigration Appeals dismissed his appeal.

Our file indicates that on July 7, 1942, the beneficiary was convicted in London, England, upon his own confession, of stealing 800 dozen belts from his employer in November 1941. He was placed on 2 years' probation upon the posting of a bond and was required to pay £25 costs.

Congressman Herbert Zelenko, the author of the bill, submitted the following statements in support of the bill:

RE PAUL MAX JULIUS SCHWEITZER

Mr. Paul Max Julius Schweitzer is the subject of deportation proceedings under immigration file No. A16,667,027 N. Y. At the present time all administrative procedures have been exhausted since the Board of Immigration Appeals dismissed the appeal on February 28, 1955.

Schweitzer resides at 20 Dongan Place, Borough of Manhattan, New York, is unmarried, 38 years of age. His parents, Fred J. Schweitzer and Therese Schweitzer, are naturalized citizens of the United States, and reside at 652 West 163d Street, New York City. Schweitzer is a former national of Germany, was born on February 24, 1917, in Frankfurt, Germany. He left Germany in 1935 as a result of Hitler, lived in England from 1936 until 1947 and entered the United States at the port of New York on May 5, 1947. He entered here as a quota immigrant for permanent residence and arrived with proper documents. Shortly after he arrived, he filed his declaration of intention to become a citizen and on June 4, 1952, filed petition No. 2270-609785 at 70 Columbus Avenue, New York City, for naturalization. In the petition he voluntarily disclosed that he had been arrested in England. Based on this disclosure the Immigration Service was able to verify the arrest, and a conviction, and as a result he has been charged by the Department of Justice with being an alien illegally in the United States and subject to deportation. The exact charges brought under section 241 (a) (1) of the Immigration and Nationality Act are as follows:

"That at time of entry he was within one or more of the classes of aliens excluded by the law existing at the time of such entry, to wit: a person who has been convicted of a felony or other crime or misdemeanor involving moral turpitude prior to entry into the United States, under section 3 of the act of February 5, 1917, to wit: Larceny".

Schweitzer testified at his deportation hearing to the following:

He lived in Germany with his parents until June 1935, when he left as a result of the persecution of the Jews by Hitler. He settled in England and in 1941 he became employed in London by a Mr. Florsheim who established a business of manufacturing ladies belts. Schweitzer had sold a quantity of belts to a customer who, in turn, had sold them to Woolworths in England. Woolworths had returned them on the ground that they were defective and Schweitzer, then a young man and fearing the consequences of a dis-

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covery by his employer, with whom he was not on the best of terms, removed the goods from the factory and took them to the apartment of a friend. His purpose in so doing was to try to convince his customer or Woolworths that the goods were merchantable. Unfortunately, Schweitzer was unsuccessful in his attempts to have the customer accept the belts. Thereafter his friend in whose custody he had left the belts, entered the British Army and turned over the belts to another person who turned them over intact to the police in London. Schweitzer was then arrested and charged with "larceny as servant". Notwithstanding that Schweitzer denied the theft to his lawyer, and notwithstanding the fact that Schweitzer advised his lawyer that he had filed an application for a visa to enter the United States, and notwithstanding the fact that he told his lawyer that a conviction would jeopardize his application, he was advised by his lawyer to plead guilty on the assurance that he would be "Bound over" and that such an order would not be a conviction and would not affect his visa application. He pleaded guilty and on August 12, 1942, was placed on probation for 2 years, under £5 bond, and assessed £25 costs.

In May 1947 he was admitted to the United States for permanent residence. Thereafter he found employment here and began to participate in sport life here, especially in field hockey at the Metropolitan Hockey and Tennis Club. Ultimately he was invited to join the field hockey team of the United States which was chosen to compete in the last Olympic games. Having been in this country for alomst 5 years, he was therefore urged to apply for his second papers as quickly as possible. During the course of his examination at the naturalization office, he voluntarily disclosed the entire incident in London as a result of which deportation proceedings were instituted.

Schweitzer's parents, whom he supports, had become citizens of the United States. Schweitzer opened his own business consisting of contracting and selling zippers, and acquired an interest in another business in Philadelphia both of which have a value of approximately $15,000. His annual income is approximately $8,000 per year.

Schweitzer feels that his present difficulty stems from the erroneous advice which he received from his English attorney. Had he been correctly informed of the consequences of his plea of guilty, he would rather have stood trial because he states that he did not steal from his employer. Not only did he receive tragic advice but his lawyer could have averted the effects of a plea of guilty by having appeared before a magistrate. Through a curious anomaly in the English law, a plea of guilty in a magistrate's court followed by a discharge was not a conviction whereas a plea of gulity to an indictment followed by a discharge did amount to a conviction. In 1948 the law in England was amended to remove this anomaly so that the present law provides that a plea of guilty followed by binding over in any court is not regarded as a conviction. The wrong advice from an at-

torney and the honesty of Schweitzer have cost him a very high price.

Undoubtedly the existing laws regulating the exclusion, entry, and deportation of aliens, are well designed to protect our country and citizens from undesirable immigrants, but every once in a while there arises a case in the twilight zone. Such a case may have compelling equities but the proper enforcement of the law may have unduly harsh results. Schweitzer's situation seems to present just such a case.

Consider a young man uprooted from his native country trying to earn a livelihood in a new land, fearful of the discovery by his employer that a customer had returned an order, conceals the goods while trying to find some way to have the customer accept them. Notwithstanding the opportunity to sell the goods elsewhere he preserves them intact for a number of months and they are then turned over to the police. He admits his error to his attorney but disclaims any intention of wrongdoing; he advises his lawyer of his pending application for a visa to enter the United States and the adverse effect that a conviction would have upon his application, and notwithstanding all this, his attorney advises Schweitzer to admit guilt with the assurance that Schweitzer would be bound over and that such a disposition by the court would not be a conviction and would not in any way jeopardize the application for a visa. To make certain that Schweitzer has a record of such priceless advice, as well as a receipt for the payment therefor, the attorney confirms this in writing (see copy of attorney's letter hereto attached).

Although not a citizen, Schweitzer was invited to join the United States field hockey team for the last Olympic games, he was asked to apply for his second papers as soon as possible. Notwithstanding his English attorney's advice and notwithstanding his eagerness to compete for his adopted country, he voluntarily disclosed to the examiner the full story about his misfortune in England. He seems, in effect, to have then signed his own deportation warrant. Surely this required honor and courage on his part when he could have remained silent.

It is too late to go back to England to stand trial, it is too late to go back to England to attempt to set aside the conviction, it is too late to invoke the benefit of the change in the English law whereby a plea of guilty to an indictment followed by a discharge is no longer a conviction. Add to this comedy of errors the fact that Schweitzer is the sole support of aged parents who are citizens of the United States and that he has built a substantial business here and that he can only return to the country that forced him to leave, then congressional action is the only thing that remains to prevent a tragedy to Schweitzer and his parents resulting from his deportation.

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IN THE MATTER OF PAUL MAX JULIUS SCHWEITZER

STATE OF NEW YORK,
County of New York, ss:

Paul Schweitzer, being duly sworn, deposes and says: I reside at 20 Dongan Place, Borough of Manhattan, city, county, and State of New York. I am the person for whom relief from deportation is proposed in H. R. 5548 introduced into the House of Representatives by Congressman Herbert Zelenko. I make this affidavit for the information of the Subcommittee on Immigration which is now considering the legislation referred to above.

That subsequent to the introduction of the legislation on my behalf my father, Fred Schweitzer, a citizen of the United States, underwent several operations. As a result he has been incapacitated and will continue to be incapacitated for an indefinite period. I therefore have been and am now the sole support of my father and of my mother Tesy Schweitzer and I will continue to be the sole support of my parents.

I am attaching hereto a statement from Dr. Samuel B. Gelmann, of New York City, certifying to the present physical condition of my father and also stating that my father will not be able to engage in gainful employment in the future.

PAUL SCHWEITZER.

Sworn to before me this 17th day of January 1956.

[SEAL] DORIS MADSEN,
Notary Public, State of New York.

Commission expires March 30, 1957.

NEW YORK, N. Y., *January 18, 1956.*

To Whom It May Concern:

This is to state that Mr. Fred Schweitzer is under my professional care.

This patient recently underwent two operations: (1) for gallstones, (2) kidney stones.

Because of this and his advanced age, he is totally disabled.

SAMUEL B. GELMANN, M. D.

H. R. 1334

The beneficiary is a 56-year-old native and citizen of Norway, who applied for admission to the United States for permanent residence on April 27, 1949. He was excluded as a person afflicted with tuberculosis and schizophrenia. He was admitted as a visitor for medical treatment on August 15, 1950. The beneficiary was first admitted for permanent residence in 1924. In 1932, he abandoned his residence and returned to Norway with his wife and children. The beneficiary's wife is a lawful resident alien, having been admitted for permanent residence on April 27, 1949. The couple's two adult children are citizens of this country. Following his last admission, the beneficiary was hospitalized for 6 months, and now receives outpatient treatment. Doctors state that his disease is arrested. He is not employed and is supported by his wife and children.

A letter, with attached memorandum, dated June 28, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 28, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 1334) for the relief of Ulf Krabbe, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of that file.

The bill would grant the beneficiary permanent residence in the United States upon the payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Norway.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ULF TOGER KRABBE, BENEFICIARY OF H. R. 1334

The beneficiary, Ulf Krabbe, also known as Ulf Toger Krabbe, a native and citizen of Norway, was born on September 9, 1899. He is married to Margit Ostby, a lawful resident alien. They have two children, John and Rita, born at San Bernardino, Calif, on April 10, 1931, and March 27, 1927, respectively. He resides with his wife and children at 112 El Segundo, Palm Springs, Calif.

Mr. Krabbe has testified that he acquired an education in Norway equivalent to our present high school level. He claims to be an inventor by profession. He is not employed and is supported by his wife and children. Mrs. Krabbe is employed as a housekeeper by the Casitas de Monte Hotel, Palm Springs, Calif., at a salary of $175 per month. John Krabbe is employed as a maintenance man at the Desert Hospital, Palm Springs, Calif. He receives a salary of $260 per month. The family's assets consist of two automobiles valued at $470 and household furnishings valued at $6,000. Mr. Krabbe has testified that he has a savings account of several thousand krona in Norway which has been frozen by the Norwegian Government. Other than his wife and children, he has no close relatives in the United States.

The beneficiary first entered the United States at San Pedro, Calif., in 1924, and was admitted for permanent residence. In 1932, he abandoned his United States residence and returned to Norway with his wife and children.

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Mr. and Mrs. Krabbe next applied for admission into the United States at San Ysidro, Calif., on April 27, 1949. Mrs. Krabbe was admitted for permanent residence. Mr. Krabbe was excluded as a person afflicted with tuberculosis and schizophrenia. Mr. Krabbe was subsequently admitted to the United States at San Ysidro, Calif., on August 15, 1950, as a temporary visitor for the purpose of receiving medical treatment. He received extensions of his visitor's permit to March 23, 1953. He did not depart from the United States. Deportation proceedings were commenced in his case on March 30, 1955. He has been found deportable, and was granted the privilege of departing voluntarily from the United States. He also has been granted the privilege of preexamination.

The following additional report dated March 5, 1956, was submitted by the Commissioner of Immigration and Naturalization to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 5, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This refers to the report furnished by this Service to the committee on June 28, 1955, relative to Ulf Krabbe, beneficiary of private bill H. R. 1334, 84th Congress.

The following additional information has been received concerning this beneficiary:

The subject beneficiary applied for preexamination in the United States on December 29, 1955. He was examined as to his admissibility to the United States and found to be excludable from the United States on the ground that he is an alien who has had one or more attacks of insanity. Accordingly, his application for preexamination was denied on Feburary 10, 1956.

Sincerely,

J. M. SWING, *Commissioner.*

Congressman John Phillips, the author of the bill, submitted the following letters and statements in support of the bill:

LOS ANGELES, CALIF., *March 5, 1956.*

Re H. R. 1334, Ulf Toger Krabbe
Hon. JOHN PHILLIPS,
House of Representatives, 29th District of California,
House Office Building, Washington, D. C.

DEAR MR. PHILLIPS: We enclose original and two copies of a communication dated February 29, 1956, from Dr. William Kinney of Riverside, Calif. This enclosure, which has been furnished in response to your telegram of last week, is directed to Francis E. Walter, chairman of the Subcommittee on Immigration and Nationality of the House Judiciary Committee.

Will you kindly arrange for the filing of this letter with the committee. If there is anything further which we can supply on behalf of Mr. Krabbe, please so advise.

On behalf of Mr. Krabbe and this office we wish to thank you for your efforts in support of the subject bill.

Very truly yours,

LEWIS T. GARDINER,
of Meserve, Mumper & Hughes.

RIVERSIDE, CALIF., *February 29, 1956.*

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee on Immigration and Nationality,
Judiciary Committee, House of Representatives,
Washington, D. C.

DEAR SIR: Mr. Ulf T. Krabbe has been under my care since February 26, 1951, because of pulmonary tuberculosis. He continues to receive pneumothorax refills in my office every 4 weeks and his general condition has remained good. The blood sedimentation rate determinations have been normal. No acidfast bacilli have been found in his sputum, except for a few found on February 4, 1954. His disease is now definitely arrested.

All of my observations of this man indicate he is a person of good moral character and never at any time have I observed in his actions or conversation any evidence of mental aberration.

The climate of Palm Springs seems to agree with Mr. Krabbe and it would be beneficial if he could be allowed to stay there.

It would be a definite hardship for him and his family to be separated.

Respectfully yours,

WILLIAM KINNEY, M. D.

KILBURN PACKING CORP.,
Dinuba, Calif., July 5, 1953.

Re Ulf Krabbe
Justice Department,
File No. V-1445443 EOS.

To Whom It May Concern:

This is to certify that during the years 1924 and 1927 Mr. Ulf Krabbe worked for me on the Hoover farm, Wasco, Calif. I found Mr. Krabbe a reliable and trustworthy worker, and a man of good habits.

I do not know anything of his activities since he left my employment but I am sure that he will be able to give a good account of himself. I do feel that he should be given every consideration in his efforts to stay in this country. Since his family is eligible to stay here, and the man has no marks against him, I feel that it would be unjust to deport him.

Very truly yours,

H. M. KILBURN.

Hon. LOUIS E. GRAHAM,
Chairman, Subcommittee No. 1, House Committee on Judiciary,
House Office Building, Washington, D. C.

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H. R. 4574, Case History of Ulf Krabbe

July 6, 1953.

Committee on the Judiciary,
House of Representatives.

This case history has been prepared on behalf of and is being submitted by Ulf Krabbe, a temporary resident of Riverside County, Calif. It has been prepared in connection with H. R. 4574, a bill submitted on April 14, 1953, by the Honorable John Phillips, Representative for the 29th District of the State of California. This bill, which was referred to the Committee on the Judiciary, reads as follows:

"A BILL for the relief of Ulf Krabbe

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purposes of the Immigration and Nationality Act, Ulf Krabbe shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota, for the first year that such quota is available."

The undersigned was born in Oslo, Norway, on September 10, 1889, the son of Sverre Hjalmar Krabbe. My elementary and high school education and some business college training was completed in Oslo in 1918 following which I was employed in a civilian capacity by the Norwegian Government for a brief time and subsequently completed 1 year's military service in the infantry of the Norwegian Army as an enlisted man (machine-gunner).

In 1920 I went to South America where I was employed in the sheep-raising business by Sociedad Explotadora de Tierra del Fuego for 3 years and 4 months. In 1923 I went to Peru and obtained an American visa from the consulate in Lima. On January 6, 1924, I entered the United States at San Pedro (Los Angeles,) Calif. No quota number was then required by virtue of 3 years' residence in South America.

Upon arrival in this country I was employed at Wasco (near Bakersfield), Kern County, Calif., on the Hoover farm owned by the Poso Land and Products Co.; Mr. Harvey Kilbourne was my supervisor. The work consisted of manual labor in the agricultural industry.

I then went to work for McLeod Vale, Ontario, Oreg., to whom I had recommendations from a friend in Sociedad Explotadora (1 season), after which I worked for shorter periods on different ranches.

In 1925 I was with the merchant marine for a short time.

In 1926 I married Margit Skaalerud in Oslo, Norway. We returned to this country about December 1926 and settled down in San Bernardino County, Calif., where I worked for a George Voss. During these 5 years, I also raised purebred dairy stock, on the McIntyre Ranch, San Bernardino County.

Our daughter Rita Krabbe was born in San Bernardino County in 1927, and our son John U. Krabbe was born in San Bernardino County

on April 10, 1931. In 1932 we returned to Norway and remained there until 1946. Except for the German occupation period during the war when we lived at Mesnali, Norway, in the mountains, I was employed, prior to that time—from 1934 to 1940—among others, by Sverre Krabbe, Ltd., manufacturers' representative headed by my father Sverred Krabbe. I acted as technical adviser to the firm which represented various American aircraft concerns including Pitcairn Autogiro, Pennsylvania; Allan Lockheed, California; Vultee (now Consolidated), and Seversky Aircraft (now Republic Aircraft Corp., New York).

My daughter returned to this country in October 1946 and I returned, as a visitor, in November 1946. My wife and son returned in March, or April, 1947. All of us entered through New York City and returned to San Bernardino, Riverside County, Calif., where we now reside. In 1947, the family for a few months looked at the property of Paul Runge at Whitewater, Riverside County, close to Palm Springs. My daughter also looked after this property the next season.

My visitor's pass having expired in 1947, it was necessary to leave this country whereupon I went to Tiajuana (lower California), Mexico.

For a period of 2 years while in Mexico we were beset by numerous difficulties and obstacles to our admission to this country. Chest X-rays required as a condition to admission showed lung spots requiring treatment for tuberculosis. On April 27, 1949, my wife was admitted under a first preference quota by virtue of the status of our children as citizens by birth. I stayed at a health camp at Tecate, Mexico, and at various places in that area.

On September 14, 1950, I was admitted upon a temporary basis at San Ysidro, Calif., on the condition that I go to a sanatorium for medical treatment. A bond of $1,000 was posted which was later reduced to $500; this bond is still in effect. Following 6 months treatment, I received further attention from Dr. William M. Kinney, M. D., 3760 12th Street, Riverside, Calif. He subsequently ruled that I am not a sanitorium case and has stated that I do not require further treatment. I am advised that Dr. Kinney has submitted biannual medical reports to the United States Government.

Successive extensions of my temporary permit having now expired, it will again be necessary for me to leave this country and my wife and children unless afforded relief of the type provided by H. R. 4574.

My children have provided the necessary undertaking for financial support required for my admission. I believe, however, that in view of the present excellence of my health and by virtue of previous experience in agricultural, cattle and sheep-raising pursuits, that I can readily find employment sufficient for the adequate support of my wife and myself.

Due consideration of the undersigned and of this petition will be deeply appreciated. I sincerely feel that if allowed to reside permanently in this country, I will be able to complete the requirements for United States citizenship and become an asset to this country.

ULF TOGER KRABBE.

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STATE OF CALIFORNIA,
County of Riverside, ss:

On the 7th day of July 1953, before me, Mary Dracsko, a notary public in and for said county, personally appeared Ulf Toger Krabbe, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

Witness my hand and official seal.

[SEAL] MARY DRACSKO,
Notary Public in and for said County and State.

My commission expires December 12, 1954.

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 565) should be enacted.

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Calendar No. 2147

84TH CONGRESS, 2d Session — SENATE — REPORT No. 2124

WAIVING CERTAIN SUBSECTIONS OF SECTION 212 (A) OF THE IMMIGRATION AND NATIONALITY ACT IN BEHALF OF CERTAIN ALIENS

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 581]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 581) to waive certain subsections of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens, having considered the same, reports favorably thereon without amendment and recommends that the joint resolution do pass.

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution is to waive certain excluding provisions of existing law in behalf of seven inadmissible aliens.

STATEMENT OF FACTS

H. R. 1326

The beneficiary is a 37-year-old native and citizen of Greece, who presently resides in that country. On May 6, 1943, he was married in Greece to a United States citizen, who had been residing in Greece since she was 10 years of age. Four children have been born of this marriage in Greece. The beneficiary's wife was admitted to the United States on December 1, 1947, as a United States citizen, accompanied by her four children, who were admitted as nonquota immigrants. The beneficiary has been unable to qualify for a visa inasmuch

as the record discloses that in 1942, he was convicted for the theft of 38 containers. Without the waiver provided for in the bill, the beneficiary will be unable to join his family in the United States.

A letter, with attached memorandum, dated June 1, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 1, 1955.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for the Department of Justice for a report relative to the bill (H. R. 1326) for the relief of Anthony Asprakis, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass., office of this Service which has custody of those files.

The bill provides that notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, the alien may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the act. It further provides that this exemption shall apply only to a ground for exclusion of which the Department of State and the Department of Justice have knowledge prior to enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANTHONY ASPRAKIS, BENEFICIARY OF H. R. 1326

Information concerning the beneficiary of the bill was furnished by his sponsor wife, Panagiota Asprakis, a United States citizen who resides at 21 Essex Street, Cambridge, Mass.

The beneficiary, Anthony Asprakis, who has never resided in the United States, is a native and citizen of Greece, born July 26, 1918, in Calamata. He resides in Calamata, Greece, and is employed as a dockworker at very low wages. Mrs. Asprakis stated that her husband was arrested and convicted in Greece for stealing oil during the German occupation in January 1942. A certified copy and a translation of a record issued by the court of appeals in Nafplion, Greece, was presented to this Service by Mrs. Asprakis which she said related to her husband and reads as follows:

"Anthony John Asprakis, age 24, together with three other defendants, did on the night of the 6th, toward the dawn of the 7th of January 1942, at the warehouse of A. E. (name), which at the time was not inhabited, enter and take, knowing they were participating in a criminal pact, without permission, certain movable properties, i. e., 38 containers, so that

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they could keep same unlawfully as their own property. The value of the stolen items is over 510,000 drachmas; that all the defendants were sentenced to imprisonment for 2 years each, and that the time spent in detention was to be subtracted; that the defense attorney made a motion that two-thirds of the sentence be waived for each defendant and that the defendants be obligated pay a fine as determined by the law; that the court determined that the fine for each defendant will be 200 drachmas daily for the remainder of their sentence of 1 year, 4 months, and 9 days which was not served in prison."

The sponsor stated her husband has had no formal education, and is not skilled in any profession. He has no assets and no close family relations other than his wife and children.

Mrs. Panagiota Asprakis nee Koulouras was born on December 19, 1911, in Woonsocket, R. I., and went to live in Greece when 10 years of age. She married the beneficiary on May 6, 1943, at Calamata, Greece. Four children were born of this marriage in Greece. The sponsor was admitted to the United States at New York, N. Y., on December 1, 1947, as a United States citizen. Her 4 children were admitted to the United States at New York, N. Y., on October 25, 1948, as nonquota immigrants. The sponsor is unemployed and receives a monthly mother's aid allowance of $193 from the city of Cambridge, Mass. She has been receiving this support since February 2, 1951, and previously received welfare aid. The sponsor claims the beneficiary is unable to send her any money as he does not make enough in Greece to support himself.

Congressman Thomas P. O'Neill, Jr., the author of the bill, submitted the following letters in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 19, 1956.

Re H. R. 1326.

Hon. FRANCIS E. WALTER,
Chairman, House Subcommittee on Immigration and Naturalization,
Old House Office Building, Washington, D. C.

DEAR MR. CHAIRMAN: I am enclosing a letter which I have received this morning from Mrs. Pota Asprakis, 23 Essex Street, Cambridge, Mass., the wife of the beneficiary of the above-named bill.

The alien was convicted of a minor crime in Greece during the German occupation, and for that reason is inadmissible under the provisions of the McCarran-Walter Act.

This case has been pending before your committee since July of 1953. It would be appreciated if arrangements can be made to schedule the measure for a hearing at an early date.

Thank you for your courtesy.

Sincerely,

THOMAS P. O'NEILL, Jr.,
Member of Congress.

CAMBRIDGE, MASS., *January 18, 1956.*

Hon. THOMAS P. O'NEILL, Jr.
Member of Congress,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN O'NEILL: I am writing you at the beginning of the new session of Congress to remind you about the private bill (H. R. 1326) which you were so kind to introduce in the 84th Congress to help my husband (Anthony Asprakis) join me and our four children in the United States.

You wrote to Mrs. Musmanno of the State immigration office in June 1955, that the House Committee on the Judiciary was behind in its schedule and did not know when the bill would come up for hearing. Since I heard nothing more from you I believe nothing happened in the first session.

Do you think you can help me this year in trying to get some action on the bill?

I was born in this country and was taken to Greece by my mother when I was about 9 years old. I returned to the United States in 1947, as a United States citizen, bringing with me my four young children. I have been trying since 1947 to bring my husband here but have not as yet succeeded. My children are still young—the oldest child is 12 years of age and the youngest is 8 years of age. My children and I need my husband. I am unable to work on account of having to care for the children and have been supported by mother's aid. If my husband is allowed to join us, he will support us and we will not longer be a burden on the Government.

If the House Committee on the Judiciary desires any additional information in order to give consideration to the bill you filed for my husband, please let me know and I will send it to you.

I appreciate all you have done for me and sincerely thank you for your help.

Sincerely yours,

POTA (her X mark) ASPRAKIS,
Mrs. POTA ASPRAKIS.
MARY MUSMANNO,
Witness to Mark.

HELLENIC ORTHODOX COMMUNITY,
Cambridge, Mass., November 16, 1953.

THOMAS P. O'NEILL, Jr.,
House of Representatives, Washington, D. C.

DEAR MR. O'NEILL: I, Panagiota (Koulouras) Asprakis, was born in Woonsocket, R. I., on December 19, 1911. I was baptized in the Greek Orthodox Church at Providence, R. I., on January 28, 1912.

I was taken to Greece in 1921 with my mother, Fotoula Koulouras. I returned to the United States on December 1, 1947. I entered the country at Hoboken, N. J., on the ship *Marine Carp*, with an American passport for permanent residence.

I was married to Anthony John Asprakis, a native of Calamata, Greece, born on July 26, 1918, the wedding being solemnized at Calamata, Messenia, on the 6th day of May, in the year 1943, by the Reverend Dem. Chryssoulis, with the authorization of that diocese, bearing No. 390.

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I have four children. They are: Frances, age 10, born in Calamata, Greece, on July 21, 1943; Helen born on November 2, 1944, in Calamata, George born on February 1946 at Calamata; and Anastasia born on October 4, 1947, also in Calamata, Greece.

My children arrived in the United States on October 25, 1948, at Hoboken, N. J., on the ship *Marine Carp*.

My parents' names were Apostolos and Fotine Koulouras. They were both born in Greece. They were married in Lowell, Mass.

Sincerely yours,

Mrs. PANAGIOTA ASPRAKIS.

Witnessed by:

Mrs. CHRISTINE COULOURAS.

Rev. ARTHUR METAXAS.

HELLENIC ORTHODOX COMMUNITY,
Cambridge, Mass.

To Whom It May Concern:

Mrs. Pota Asprakis, of 21 Essex Street, Cambridge, Mass., a member of the local Orthodox community, is well known to me. She has shown by her conduct and action to be a pious Christian and a devoted mother of her children. As such, she is worthy of any support accorded her so that her husband, Mr. Anthony Asprakis, be permitted to enter this country and reside with his family.

The local community would be very appreciative of any assistance accorded her.

Sincerely yours,

Rev. ARTHUR METAXAS, *Minister.*

H. R. 2251

The beneficiary is a 53-year-old native of Russia, who is presently employed as a ship's police officer of the Indo-China Steamship Navigation Co., Ltd., Hong Kong, China. On July 31, 1941, he was married in Shanghai to a United States citizen, who had resided in the Orient since 1930. The beneficiary's wife returned to the United States on November 5, 1945, as a repatriate. The beneficiary has been unable to qualify for a visa inasmuch as the record discloses that he was convicted for the crime of forgery in 1925, in China. Without the waiver provided for in the bill, the beneficiary will be unable to join his citizen wife in the United States.

A letter, with attached memorandum, dated June 24, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

JUNE 24, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN. In response to your request of the Department of Justice for a report relative to the bill (H. R. 7556) for the relief of Michael Alexis Melgunow, there is attached a memorandum of information concerning the beneficiary. This memorandum has

been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill would waive the provisions of section 212 (a) (9) of the Immigration and Nationality Act and permit the admission to the United States for permanent residence of the beneficiary if he is found to be otherwise admissible under the provisions of that act. The bill also provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice have knowledge prior to the enactment of this act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MICHAEL ALEXIS MELGUNOW, BENEFICIARY OF H. R. 7556

The beneficiary, Michael Alexis Melgunow, has never resided in the United States. He is presently residing in the Orient and is employed as a seaman on board the steamship *Eastern Queen* of the Indo-China Steamship Navigation Co., Ltd., Hong Kong, China. Information concerning him was furnished by his wife, Tatiana Melgunow, who resides at 942 Vermont Street, apartment 8, Oakland 10, Calif.

Sponsor, Mrs. Melgunow, states that she was born August 29, 1906, at Harbin, Manchuria, China, and that she was naturalized March 31, 1930, in the district court at Shoshone County, Wallace, Idaho. She is employed as a representative of the University of California Extension in Berkeley, Calif.

After her naturalization in 1930, the sponsor left the United States in company with her former husband, Sergey Evan Lavrov, and went to China in order that he might pursue his occupation as a mining engineer for the General Engineering Co., of Salt Lake City, Utah. They departed from Seattle, Wash., in April 1933, and proceeded to Dairen, Manchuria, where they resided until 1935 when they moved to Harbin, China. A child, Nicholas, was born in 1935 at Harbin. In 1936 she moved to Canton, China, remaining until about January 1938 when they moved to Hong Kong, China. They resided in Hong Kong until January 1939 and then moved to Shanghai, China. Her marriage to Mr. Lavrov was terminated by divorce at Shanghai October 9, 1940. On July 31, 1941, she was married in Shanghai, China, to the beneficiary. He had been previously married and was divorced May 14, 1941. The sponsor states that she and her present husband could not come to the United States because the war broke out, and they were forced to remain in China until the termination thereof. She returned to the United States November 5, 1945, as a repatriate. Her present husband, in whose behalf she submitted a petition for issuance of immigration visa, was refused issuance of the visa by the American consulate general in Shanghai, China, in July 1946. He is subject to exclusion from ad-

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mission into the United States because of conviction for the crime of forgery committed at Harbin, China, in 1925, for which he served a sentence of 1 year and 2 months.

Sponsor receives approximately $4,000 per annum as a salary from her employment as representative of the University of California Extension in Oakland, Calif.

In addition, the Director of the Visa Office, Department of State, submitted the following report on the case dated February 18, 1954, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, February 18, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. REED: Reference is made to your letter of February 3, 1954, and its enclosures, wherein you request a report of the facts in the case of Mr. Michael Alexis Melgunow, beneficiary of H. R. 7556, 83d Congress, 2d session. Reference is also made to the Department's interim reply of February 4, 1954.

According to the Department's records Mr. Melgunow admitted to an American consular officer abroad that he was conviced at Harbin, Manchuria, during 1925 or 1926 of forgery, a crime which has been held to involve moral turpitude within the meaning of section 3 of the act of February 5, 1917, as amended. The responsible consular officer had no choice, therefore, but to withhold the issuance of a visa to Mr. Melgunow under the provision of law cited.

If Mr. Melgunow was not under the age of 18 years when he was convicted of forgery in 1925 or 1926, for which he served a prison sentence of 1 year and 2 months, he is ineligible to receive a visa and excludable from admission into the United States by reason of section 212 (a) (9) of the Immigration and Nationality Act, which repealed the act of February 5, 1917, and certain other immigration laws.

At this time, the Department has no knowledge of any factor in Mr. Melgunow's case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mr. Melgunow from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Acting Secretary of State.)

Congressman John J. Allen, Jr., the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

Mr. Chairman, H. R. 2251 has for its purpose the admission of Michael Alexis Melgunow, born October 31, 1902, in Moscow, Russia. Mrs. Tatiana N. Melgunow met the beneficiary in Shanghai and married him in 1941. Mrs. Melgunow was born August 29, 1906, at Harbin, Manchuria, China, and was naturalized March 31, 1930, in the district court of

Shoshone County, Idaho. She is employed as a representative of the University of California Extension in Oakland, Calif., at a salary of approximately $4,000 per annum.

Mr. Melgunow is subject to exclusion from admission into the United States because of a conviction for the crime of forgery committed at Harbin, China, in 1925, for which he served a sentence of 1 year and 2 months. For this conviction, over 31 years ago, the beneficiary was refused the issuance of a visa by the American consulate general in Shanghai, China, in July 1946. Mr. Melgunow has never resided in the United States. He is presently employed as a seaman aboard the Steamship *Eastern Queen* of the Indo-China Steam Navigation Co., Ltd., Hong Kong, China.

Mr. Melgunow was a cadet in the First Moscow Military Cadet Corps at the age of 10. When he was 13 he volunteered and served for 2 years in the front lines in continual combat with the 146th Russian Infantry Regiment of the 37th Division Form in southwest Austria in the First World War. His family was one of the oldest and most prominent in old Russia. His father was a member of Parliament and an officer of the Czar's Army. He returned home in 1918 to find the family estates confiscated and burned. He joined the White Russian Army and went to Siberia. In 1920 he joined the Military Cadet Corps in Vladivostok and completed his education. In 1921 he rejoined the White Army, and was interned in Kirin, North China, in 1922. He escaped after 7 months and arrived in Harbin, Manchuria, in 1923. In 1925 he was convicted of forgery by the Chinese Court in Harbin, Manchuria, for cashing forged checks given to him by an acquaintance and served a prison sentence of 1 year and 2 months.

Shortly afterward he left for Shanghai, became manager of the Broadway Mansions Hotel and served as civilian manager for our Air Force when Broadway Mansions was occupied by the USAAF after World War II.

Later Mr. Melgunow left the Broadway Mansions and joined an importing firm in Shanghai, handling several American agencies. At that time many expected great opportunities in the liberated Chinese market. Since March 1949 to the present time the beneficiary has been serving the Indo-China Steam Navigation Co., Ltd., as a ship's police officer; their vessels ply between Japan and India and often reach Hong Kong.

In World War II, while managing the Broadway Mansions Hotel, the beneficiary was always loyal and devoted to the Allied cause and never in any way collaborated with the Japanese. The beneficiary's record throughout his life has been one of firm opposition to communism and of friendship to nationals of our own country and England, as well as to the Chinese Nationalists.

Mrs. Melgunow was married from 1930 to 1940 to Sergey Evan Lavrov, an American citizen and employee of a Utah engineering company. They departed Seattle in 1933 for

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Manchuria where they had a son in 1935. Her marriage to Mr. Lavrov was terminated by divorce at Shanghai in 1940. In July 1941 she married Mr. Melgunow, who had also been previously married, and was divorced in May 1941. Because of the war in China they were forced to remain until its termination. Mrs. Melgunow returned to the United States in November 1945 as a repatriate; the beneficiary was refused issuance of a visa for his first and only crime 20 years prior. Mrs. Melgunow's present address is 942 Vermont Street, Oakland, Calif.

My bill for Mr. Melgunow's relief, H. R. 7556 of the 83d Congress, was not acted upon.

I therefore request that H. R. 2251 be given favorable consideration by this committee.

In support of the above facts, I submit excerpts from letters written to me by the following:

Michael A. Melgunow, beneficiary, Indo-China Steam Navigation Co., Ltd., February 20, 1954:

"I sincerely hope your efforts will succeed and I will be lawfully admitted to the United States where, by working hard, I will be able to become a useful citizen.

"There are a number of reasons why I am so anxious to come to the United States.

"The first is a personal reason. I have been separated from my wife, an American citizen, for over 8 years. During that time my wife has had to work very hard, and I firmly believe it is my responsibility to support her now. Being abroad, and receiving my salary in foreign currency limits drastically my assistance, where were I in the United States my earnings would have been sufficient to provide for her needs.

"The second reason is my faith in democracy. Since early boyhood I have cherished freedom and fought for it. My record shows that I fought in the Russian Army in the First World War, and later on fought against Communists until my escape to China in the early twenties. Now my political views would effectively bar me from life in any but democratic countries.

"Finally I have always believed in free enterprise. My business training has qualified me to pursue a business career. Now having been deprived from permanent domicile I am following the totally different career of a seafaring man instead of a business man.

"There are many other reasons too, but I am not going to take up your time, stating all of them; however, all that I want to say is that if your bill goes through I will do my best to justify your confidence in my wife's judgment of my character and ability."

Nicholas Slobodchikoff, Pacific Gas & Electric Co., 448 43d Avenue, San Francisco, March 28, 1954:

"I have recently been advised by Mrs. Tatiana M. Melgunow, the wife of Michael Alexis Melgunow, that you have introduced a bill in Mr. Melgunow's behalf.

"I have known Mr. Melgunow since 1935.

"To the best of my knowledge and belief Mr. Melgunow has always been loyal to the Allied cause and has never collaborated with the Japanese. I believe Mr. Melgunow to be honest, energetic, and able. I feel certain that given a chance to establish his home in the United States, he will prove to be a loyal citizen.

"In view of the above, I sincerely hope that the confidence you are placing in Mr. Melgunow will be fully justified. Also it will enable him to join his wife and her son, who have been separated from Mr. Melgunow for over 8 years."

Nicholas Bashkevitch, Van Etta Motors, 746 Sixth Avenue, San Francisco, March 16, 1954:

"* * * As an old friend of Michael's, I wish to express my sincere gratitude for your efforts in his behalf. I have known Mr. Melgunow for over 30 years and this letter is motivated solely by my sincere conviction that Michael fully deserves the confidence you are placing in him and that given a chance to establish permanent residence in the United States, he will prove himself a loyal American, and a useful member of society.

"I am well acquainted with Michael's case and I wish to bring to your attention the following facts:

"During the First World War, when 13 years of age, Michael left the First Moscow Military Cadet Corps School he was at the time attending and volunteered. He fought valiantly in the frontlines of the Imperial Russian Army. Upon his return home in 1918, he found that his father's estates had been confiscated, burned, and looted. Michael immediately joined the White Army and fought valiently against the Communist regime. In 1922, when the White movement was disintegrating, the White Army crossed the Siberian border into China, where they were all interned by the Chinese Government in the town of Kirin, north China. Seven months later Michael escaped and arrived in Harbin, Manchuria.

"It seems to me that the mistakes of youth of that turbulent period should not be judged too harshly. Boys, like Michael, who spent the years of their adolescence in defending their country from a ruthless enemy and waging the most terrible war of all, the civil war. Many of them, like Michael, had to leave their loved ones, their homes, all their ties and start anew in a strange land. Many of them, like Michael, knew that their families were facing hunger and privations.

"I also wish to add that I was in the employ of the Shanghai Heng Chang Co. as head chauffeur at the Broadway Mansions Hotel from 1939 to 1943, at the time when Michael was manager. I want to stress that I consider him efficient, energetic, able, honest, and very fair in all his dealings with employees. Also that to the best of my knowledge and belief Michael has always been loyal and devoted to the Allied cause and has never in any way or manner collaborated with the Japanese.

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"I have known Mrs. Melgunow and her son, Nicholas, since 1939, and have always had great respect for Mrs. Melgunow and I know that Michael adores his wife and her son.

"It is my sincere conviction, therefore, that anything that can be done to help Mr. Melgunow to establish his home in the United States will not only save Michael, but will also bring happiness into the lives of Mrs. Melgunow and her son, Nicholas."

Glen D. Litchfield, La Interamericana, S. A., Avenida Morelos 110, Apartado Postal 21145, Mexico 1, D. F., March 26, 1954:

"My acquaintance with Mr. Melgunow was limited to a period beginning December 1941 and continuing to September 1942. During this period I was a prisoner-at-large of the Japanese in Shanghai. Between December 1941 when the war began and September 1942 when I was interned, Mr. Melgunow at considerable personal risk to himself helped me and my friends, as well as the American company with which I was associated, financially on several occasions. I and those who were associated with me at the time have a deep sense of gratitude to Mr. Melgunow for his courageous assistance to us during that critical time and for his unshaken confidence during those dark days in the ultimate Allied victory that was finally ours."

S. E. Lavrov (major, AUS Reserve), mining engineer, 33 St. George's Building, Hong Kong, B. C. C., April 24, 1954:

"I have known Mr. Melgunow since 1945 when he was the manager of Broadway Mansions in Shanghai which was under supervision of United States Army and up to the present time.

"Now Mr. Melgunow is employed by the Indo-China Steam Navigation Co. in Hong Kong as security guard on their vessels plying between Japan and India and when Mr. Melgunow is in Hong Kong he spends most of his free time with me.

"Mr. Melgunow has excellent references from his company and he has received several promotions from his company in the 5 years that he is working for them.

"During the past 8 years that I have known Mr. Melgunow I have formed a very good opinion of his character and feel quite confident that should he be admitted to the United States, he would make a loyal citizen and a worthy member of the community where he will make his home."

Leonard S. Skoblin, Radio Corporation of America, 31 Madeiros Building, Cecil Street, Singapore, April 3, 1954:

"I first met Mr. Michael Alexis Melgunow in Shanghai, China, shortly before the last world war. He was, at that time, the manager of Broadway Mansions, one of the largest and best hotels in the city. Mr. Melgunow has enjoyed respect and good standing. Otherwise, he could not have held this position in a rather closely knit foreign community.

"After the termination of the war, when I was released from the Japanese concentration camp in Pootung, Shanghai,

where I was interned for almost 4 years as a civilian American citizen, I again met Mr. Melgunow. He was still managing Broadway Mansions. However, he was then doing that for the United States Armed Forces, who requisitioned the hotel for their officer's quarters.

"Later, Mr. Melgunow left Broadway Mansions and joined an importing firm in Shanghai, handling several American agencies. At that time, many expected great opportunities in the liberated Chinese market.

"As I was assigned by our company to cover southeast Asia, with headquarters in Singapore, I lost sight of Mr. Melgunow for some period again. Then, at the beginning of 1949, under Communist pressure, the Chinese Nationalist Government collapsed and great exodus of foreign and particularly Russian community started from Shanghai. One day, Mr. Melgunow came to my office in Singapore. He was passing through on the ship of Indo-China Steam Navigation Co., Ltd., where he was a member of the antibandit ship's police force. Mr. Melgunow is still serving the above steamship company.

"At first sight, it was a startling transformation from the managership of one of the most important hotels in the eastern metropolis and of a business representative to the ship's police officer. But, it was logical in the case of Mr. Melgunow. As a matter of fact, he could not have acted very well otherwise and still escape invading Communists. Being a Russian emigree and having no hope to get a visa to any country quickly, he naturally grasped at the opportunity to get a job on a British ship and leave Shanghai. It was the only feasible means of refuge with employment until things clarify and he may have a chance to be admitted as an immigrant in a country in which he would like to settle permanently.

"In this respect, Mr. Melgunow deserves commendation for his courage, determination, patience, and perseverance. Unlike many others who waited to be saved through charitable institutions as International Red Cross organization—IRO—he did that at his own risk and initiative. It seems to me that, for this alone, he deserves consideration of his petition so that at long last he may join his wife and growing son in the United States and eventually call it his own."

Mrs. Tatiana N. Melgunow, wife of beneficiary, care of University Extension, 1730 Franklin Street, Oakland 12, Calif., October 26, 1954:

"* * * For the past 6 years, my husband, a man without a country, has been sailing on the waters of the Pacific, from port to port, unable to land anywhere. For the past 9 years my son and I have been separated from my husband.

"* * * For the past 9 years my son's little world and my own have never been right. A man, with as splendid a record of achievement as Michael's has, through a mistake in his youth made almost 30 years ago, been deprived of a place in the sun, of his family, and of any dignity and peace of mind.

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"Michael was born in Russia in 1902 into one of the oldest and most prominent families of old Russia. His father was a member of Parliament and an officer of the Czar's army. His uncle, the famous Stalipin, minister of the Czar, advocated land reforms, which would have thwarted the revolutionaries' designs and struck at their very base, had he not been assassinated by the revolutionaries and thus prevented from carrying them out.

"* * * It is my sincere conviction that Michael has never been a Communist sympathizer and that he has always been loyal to the Allied cause.

"* * * I met Michael in Shanghai, and married him in 1941. For the past 6 years I have been employed by the regents of the University of California in the capacity of University of California Extension representative in the city of Oakland.

"Michael is now dying a slow death, as what has this man to live for? My son and I are searching our souls for an answer; can mercy and justice combine to save a man and to reunite him with his family?"

H. R. 4339

The beneficiary is a 26-year-old native and citizen of Austria, who presently resides in that country. On October 24, 1953, she was married in Austria to Paul Morra, a United States citizen and veteran of our Armed Forces. The beneficiary has been unable to qualify for a visa inasmuch as the record discloses that she was convicted in 1949 for practicing prostitution and in 1950 for assault and battery. Without the waivers provided for in the bill, she will be unable to join her citizen husband in the United States.

A letter, with attached memorandum, dated May 31, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 31, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to bill (H. R. 4339) for the relief of Maria P. Morra, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill should also exempt the beneficiary from the provisions of section 212 (a) (9) of the Immigration and Nationality Act, which excludes from admission to the United States aliens convicted of crimes involving moral turpitude, if she is found to be otherwise admissible under the provisions of that act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIA P. MORRA, BENEFICIARY OF H. R. 4339

Information concerning the beneficiary was furnished by her sponsor/husband Paul Morra, a United States citizen. He resides at 53 Jerome Street, Brooklyn, N. Y.

The beneficiary Maria P. Morra, nee Palmstorfer, born August 29, 1929, is a native and citizen of Austria. She was arrested in Austria in 1950 and charged with prostitution. In order to avoid being detained indefinitely she pleaded guilty, and paid a small fine. On October 24, 1953, she and the sponsor were married in Austria. The beneficiary resides with her Austrian citizen parents in that country. They and the sponsor furnish all her necessary needs. The beneficiary received the equivalent of a high-school education in her native country. She has one sister, a resident and citizen of Austria.

The sponsor enlisted in the United States Army on October 18, 1951, and was honorably discharged on October 17, 1953. He is employed as a block operator, by the Pennsylvania Railroad in New York, N. Y., and earns a salary of $84 a week.

In addition, the Director of the Visa Office, Department of State, submitted the following report on the case dated June 22, 1955, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, June 22, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives

DEAR MR. CELLER: Reference is made to your letter of March 3, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Maria P. Morra, beneficiary of H. R. 4339, 84th Congress, 1st session.

A report recently received by the Department from the American consulate at Salzburg, Austria, states that the usual investigation revealed that Mrs. Morra has been convicted twice by the district court in Salzburg for vagabondage (once on February 21, 1948, and again on February 1, 1949) and again by the same court for assault and battery on December 20, 1950. In an interview conducted on July 27, 1954, to determine the precise nature of the first two convictions, Mrs. Morra stated to a consular officer that while the first was merely for not having proper identity and working papers, the second was for secret prostitution (i. e. practicing prostitution without being properly licensed). The 1948 conviction resulted in a sentence of 4 weeks, the 1949 conviction in 1 of 6 weeks. The 1950 conviction resulted in a 50 schilling ($2) fine.

On the basis of the foregoing, the consulate general reports that Mrs. Morra was notified on July 27, 1954, that she was inadmissible under section 212 (a) (12) of the Immigration and Nationality Act.

The consular officer is presently awaiting the submission of the court records for the applicant. When these are received in the Department, copies thereof will be submitted to the committee.

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At this time the Department has no knowledge of any factor in Mrs. Morra's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

H. R. 6080

The beneficiary is a 49-year-old native and citizen of Canada, who presently resides in that country. Her husband, who is also a native and citizen of Canada, owns and operates two restaurants in Montreal, and is considered one of the leading businessmen in that city. The couple has one child. The beneficiary has been admitted to the United States temporarily on numerous occasions and she and her husband own a home in Florida. The beneficiary has been denied a visa to enter the United States for permanent residence, inasmuch as the record discloses that on September 12, 1941, she was convicted on the charge of keeping a disorderly house and was fined $25. The beneficiary states, however, that she was not the keeper of the disorderly house, but the owner of the building. The undesirable tenants subsequently vacated the premises. The beneficiary is stated to be a leading figure in social work and is well respected in the community in which she resides.

A letter, with attached memorandum, dated September 14, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., September 14, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6080) for the relief of Mrs. Lucy (Lucia) Bisanti, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of those files.

The bill would waive the provisions of section 212 (a) (9) of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude. The bill further provides that this exemption from the excluding provisions of the Immigration and Nationality Act shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act. In this connection, it appears that Mrs. Bisanti is also excludable from admission into the United States under section

212 (a) (12) of the Immigration and Nationality Act as an alien who has received in whole or in part the proceeds of prostitution.

The committee may wish to amend the bill accordingly.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. LUCY (LUCIA) BISANTI, BENEFICIARY OF H. R. 6080

Mrs. Bisanti is a native and citizen of Canada. She was born in Montreal, Canada, on March 7, 1906. She resides at 29 Maplewood Avenue, Autremont, Montreal, Canada, with her husband, Angelo Bisanti, and daughter, Bella Bisanti, who are citizens of Canada. Mrs. Bisanti is a housewife and is dependent upon her husband for support.

Mrs. Bisanti states that she was convicted in Montreal, Quebec, Canada, on September 12, 1941, on the charge of keeping a disorderly house and was fined $25. She states, however, that she was not the keeper of the disorderly house but the owner of the building. In view of the foregoing, it appears that Mrs. Bisanti is not only excludable from admission into the United States under paragraph 9 of section 212 (a) of the Immigration and Nationality Act but also under paragraph 12 of section 212 (a) of that act as an alien who has received in whole or in part the proceeds of prostitution. It may be noted that she has been admitted to the United States as a visitor for temporary periods of time under the provisions of section 212 (d) (3) of the Immigration and Nationality Act. Mrs. Bisanti was last admitted to the United States at Rouses Point, N. Y., on January 16, 1955, as a visitor. She returned to Canada on April 15, 1955.

Mr. Bisanti owns and operates two restaurants in Montreal, Canada. He also owns a home in Miami Beach, Fla., which is valued at approximately $60,000.

The committee may wish to communicate with the Bureau of Security and Consular Affairs of the Department of State for additional information concerning the beneficiary.

Congressman Dante B. Fascell, the author of the bill, submitted the following letters and statements in support of the bill:

[Exhibit attached to original copy]

Before the Department of Justice, Immigration and Naturalization Service, Washington, D. C.

Re Mrs. Lucy Bisanti nee Delicato, Bureau of Immigration—File No. 0109-5770

BRIEF OF APPLICANT UPON APPEAL AND APPLICATION FOR RELIEF UNDER THE NINTH PROVISO

I. INTRODUCTORY STATEMENT

On October 16, 1951, the applicant Mrs. Lucy Bisanti was accorded a hearing before the board of special inquiry at Montreal, Canada,

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upon her request for permission to enter the United States as a temporary visitor.

The board of special inquiry found upon the facts of record that under section 3 of the Immigration Act of February 5, 1917, the applicant is inadmissible to the United States as a person who admits and has been convicted on six occasions of a crime involving moral turpitude, to wit: keeper of a bawdy house. The case is now before the Bureau of Immigration and Naturalization upon appeal.

II. APPLICATION FOR EXERCISE OF NINTH PROVISO

Since it is not possible for the Bureau to go beyond the fact that applicant actually entered a plea of guilty to the charge of keeping a disorderly house and because the language of inadmissibility for the exercise by the Commission of Immigration and Naturalization and by the Attorney General of the United States of the discretion vested in them by the ninth proviso to section 3 of the Immigration Act of February 5, 1917, to admit applicant temporarily to the United States.

In support of this application the following is respectfully submitted.

III. APPLICANT WAS NOT GUILTY OF CRIME CHARGED

Although the Bureau, in considering an appeal, cannot go back of a record showing the conviction of a crime, it is respectfully submitted that in determining whether or not an inadmissible person should be admitted within the discretion of the Attorney General, the facts surrounding a conviction which will show the attitude and interest of the applicant are probative of her character and are properly to be considered.

The record shows that during the years 1937–41, applicant was the owner of six parcels of real property in Montreal which was purchased from the Royal Trust Co. of Montreal. The premises where purchased subject to the leases then in existence and during the period here in question were tenanted by the same persons. The record shows that the tenants of these six premises purchased by application were operating disorderly houses. On August 13, 1941, a complaint in the nature of an information was filed alleging that from April 7, 1940, to April 7, 1941, applicant kept a disorderly house at each of the six separate premises. On September 12, 1941, applicant pleaded guilty to the charges and paid a fine of $25 for each offense charged.

Applicant was not then nor has she since been the proprietor or entrepreneur of such an establishment. That fact is shown by the testimony of applicant taken at the hearing and by a statement submitted by the assistant crown clerk and made part of the record. The assistant crown clerk stated that he had been the acting clerk in the case in which the applicant was charged and, while the charge was made as keeper of a disorderly house, that applicant was not on the premises during the raids; that she was the owner of the buildings in which the criminal activities were carried on but that she was not acting as "housekeeper."

The applicant's relationship to these activities is remote as further shown by the fact that one information dated in August 1941 charged

six separate offenses ending in April of that year. There appears to be no connection between the actual operation of the houses and applicant's ownership of the buildings. The small fines assessed also point to this remoteness since under Canadian law the keeping of a disorderly house constitutes an indictable offense punishable by a year in prison.

Applicant submits that the charges could not have been proven had she elected to stand trial but that upon advice of counsel in order to avoid the publicity of such action she elected to pay the small fines demanded by the Government, believing at the time that she was being fined for the ownership of buildings which her tenants were using for disorderly purposes.

The findings of fact made by the board of special inquiry and upon which was based the decision of inadmissibility, contain references to only the 1941 plea of guilty to the six simultaneous charges of keeping a disorderly house. Since there are 4 additional charges in the record and since the board will consider the record as a whole, applicant desires to show that in these 4 instances as in the 6 simultaneous charges her only actual involvement, if any, was by reason of her ownership of the buildings. These charges as shown on the records of the RCMP in Ottawa are for keeping a disorderly house (September 18, 1937) and for being found in a disorderly house (June 23, 1938; September 19, 1938; and April 8, 1941).

Applicant offers as exhibit No. 1 a statement of the deputy crown clerk who states that there is nothing in the official records of the peace office in Montreal for the year 1936, 1937, and 1938, showing applicant as having been incriminated as "housekeeper" or "found in" in a disorderly house.

There is no explanation on the record as to how the RCMP could have such records when none can be found in the police records in Montreal. It is to be noted that the report of the RCMP states that the 4 charges are not supported by fingerprints while the 6 simultaneous charges are so supported. However, even assuming that such charges are actually made, applicant testified that her only connection with these activities was as the owner of the buildings.

Since the crown clerk had furnished a statement for the record to the effect that in the 1941 cases applicant was in fact only the owner of the premises and not the "housekeeper" further inquiry was made of him regarding the four previous cases. The clerk states that he has been the clerk of court for over 30 years and knows it to be a fact that applicant has never been a "housekeeper" in any instance of the official records of the peace office in Montreal.

Applicant owned property which was used for disorderly purposes but she was not a party to such activities and has now disposed of all of the property except two parcels which are operated as roominghouses by the tenants thereof and against which no complaints have been made for 10 years.

IV. APPLICANT HAS ACCOMPLISHED COMPLETE REHABILITATION DURING PAST 10 YEARS

Even assuming that applicant had been actually guilty of a crime involving moral turpitude in 1941, she has now become completely rehabilitated as shown by her general conduct and her reputation both in Canada and the United States for the 10 years last past.

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Applicant, a native Canadian of Italian extraction, is the wife of Angelo Bisante whom she married 24 years ago. They have a daughter born in 1945. Applicant is a resident of Montreal where her husband is in business as the proprietor of a successful restaurant. They own together a house in Miami, Fla., which they purchased 3 years ago. It has been their custom to vacation at various places in the United States and several years ago they began to spend the cold winter months in Miami. They lived for a time in rented quarters but for the past 3 years have owned their own house.

The fact that applicant is seeking permission for temporary admittance to the United States is proof of her interest in her child and probative of the kind of mother she is. The child is subject to persistent bronchitis and her physician has recommended that she be taken to a temperate climate during the cold winter months. (See exhibit 2, statement of Dr. Frank Beall.) For this reason, applicant and her husband have spent the last six winters in Florida.

* * * * * * *

V. CONCLUSION

Applicant was not in fact the keeper of a disorderly house at any time in spite of the fact that to avoid the publicity of a trial she pleaded guilty to such charges. However, even if she had been guilty as charged her conduct in her home community and in the United States for the last 10 years clearly indicate that she has been and is now a dutiful wife, a loving mother, a person respected in her community and in her church.

Applicant is prepared to furnish bond in an amount satisfactory to the Bureau in connection with this application.

Applicant avers that this record shows her to be a person well deserving of the exercise of the discretion of the Commissioner and the Attorney General in granting her permission to enter the United States for a temporary period and respectfully requests that such permission be granted under the ninth proviso.

Respectfully submitted.

LUCY BISANTE,
By (Signed) RALPH E. CURTISS,
Her Attorney.

Todd, Dillon & Curtiss, of counsel, 944 Washington Building, Washington, D. C.

[Copy]

MONTREAL, *December 16, 1952.*

To Whom It May Concern:

This is to certify that I have attended Bella Bisante medically for some years and I have strongly recommended that she be taken to a warmer and more sunny climate because of her asthmatic bronchitis which she develops here each winter and spends most of her time in bed in the house, even at times developing bronchopneumonia.

It is imperative that her mother accompany her because of special care and she is only a young child.

I recommend the entire winter.

I would be very grateful for your full cooperation.

(Signed) FRANK G. BEALLS, M. D.

OFFICE OF THE CLERK OF THE CROWN,
Courthouse, Montreal, December 10, 1951.

To Whom It May Concern:

I have made further and thorough searches regarding the years 1936, 1937, and 1938, concerning a conviction against Marie Rose Lucy Delicato, and as previously stated there is nothing in the official records of the Peace Office, Courthouse, Montreal, showing the above-named person as having been incriminated as housekeeper or found in a disorderly house.

As clerk of the court for over 30 years, I am in a position to certify, knowing it to be a fact, that Marie Rose Lucy Delicato has never been a housekeeper in any instance of the official records of the Peace Office, Courthouse, Montreal, as it has been clearly explained and defined in the accusations of 1941, that she was only owner or proprietor of such properties in which raids had been conducted.

And, I have signed,

(Signed) OVIDE LECLERC,
Deputy Clerk of the Court,
New Courthouse, Montreal.

SOLEMN DECLARATION

Re Mrs. Lucy Bisante nee Delicato, Bureau of Immigration No. 0109–5770

I, the undersigned, a judge of the sessions of the peace for the Province of Quebec, sitting in Montreal do solemnly declare:

I have been practicing at the bar in Montreal for the last 40 years and was appointed on the bench in the month of April 1947.

Before my appointment, I was chief crown prosecutor (district attorney) for the district of Montreal between the years 1936 and 1947.

The applicant is Mrs. Lucy Delicato Bisante.

I have known Mr. and Mrs. Bisante for about 30 years and have acted as their attorney and counsel on many occasions.

I am well aware of all the facts mentioned in the brief prepared by Rodolphe Camirand, K. C., and also of letters of recommendation in support of the application of Mrs. Bisante for temporary entry to the United States.

It is to my personal knowledge that, in the last 10 years, Mrs. Bisante has rehabilitated herself, is now considered a good citizen, and is bringing up her child very well, giving her the best possible care and attention.

In the last 5 or 6 years, I have been visiting Miami Beach practically every winter and I had occasion to visit the Bisante couple in their own home in Miami.

It is also to my knowledge, for having visited him in the hospital in Miami, that Mr. Bisante's health required medical attention and with medical recommendation in view, Mr. Bisante has bought a residence for his family in Miami, which he intends to occupy with his family every winter.

I do solemnly declare that the above facts are true and I make this solemn declaration conscientiously believing it to be true, and knowing

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that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

(Signed) Judge OSCAR GAGNON.

Declared before me at Montreal, this 10th day of December 1951.

(Signed) Judge IRENEE LAGARDE.

MIAMI, FLA.

Hon. DANTE B. FASCELL,
House of Representatives, Washington, D. C.

DEAR MR. FASCELL: To further clarify the situation, this is to advise you, that immediately after September 1941, I took the necessary steps to have the undesirable tenants evicted from my properties and for whom I had been brought before the circuit court of Montreal and charged as being the owner of premises leased to persons of immoral character.

It is a matter of record that when I acquired these properties they already were subject to the leases then in existence and during the period in question were tenanted by the same persons. At the time I could only respect the existing leases.

Following the month of September 1941, I engaged the services of a very prominent attorney of Montreal, Maitre Rodolphe Camirand, C. R., and together we succeeded in having 4 of the 6 unwanted tenants to vacate the premises permanently. By using the argument that I had been found in default for having tolerated them as tenants they had no alternative but to move out of premises they had occupied for a long time even before I had acquired the properties myself. As for the remaining two tenants we had to apply to the Federal Rental Control Board to have their leases canceled on moral grounds. I am glad to say that we succeeded in having them also vacate the leased houses although it took an order of the rental court to have them do so. By the end of June of 1942 we were at last free of these people.

I was at last liberated of my leased contracts to these tenants for whom I had been brought before a court of justice.

After consultation and on the advice of my attorney, very shortly afterward, I completely disposed of these properties by selling them one by one and I am glad to be able to state that by the end of the year 1942 I had sold them all.

May I add that I am at your disposal for any further information you may require.

With kindest personal regards from myself and Mr. Bisante,

I remain,

Yours very sincerely,

LUCY DELICATO BISANTE.

In addition, the following letters were submitted to the Senate Committee on the Judiciary concerning the beneficiary:

EGLISE NOTRE-DAME DU MONT-CARMEL,
Montreal, May 8, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Judiciary Committee,
United States Senate, Washington, D. C.

MR. CHAIRMAN: Mrs. Lucy Bisante of 29 Maplewood Avenue, Outremont, has been a close personal friend of mine over 10 years now.

I have been in a position to observe Mrs. L. Bisante through all these years and it is easy for me to state that she is a lady of very good character, a good housewife, and a loving mother to her young daughter.

Mrs. L. Bisante is a leading figure in social work in the community and a well-respected person to everybody that comes in contact with her. She is the wife of Mr. Angelo Bisante, a prominent leader in business circles in the great city of Montreal.

I strongly recommend her to your kind attention and any consideration shown to her will be greatly deserving and appreciated.

Yours very truly,

Rev. G. M. De Palma, O. S. M.,
Assistant Pastor.

Court of Sessions of the Peace,
May 11, 1956.

Hon. James O. Eastland,
Chairman, Judiciary Committee,
United States Senate, Washington, D. C.

Mr. Chairman: Until my appointment as a judge, at the court of sessions of the peace for the Province of Quebec, about 1 year ago, I was acting as a lawyer and counselor at law for Mr. and Mrs. A. Bisante.

In this capacity, it happened to me to meet Mrs. Bisante many, many times during the last 10 years and I may say that she has always behaved herself as a lady and as a highly respectable citizen.

She is also well devoted to her child and to her husband who is a prominent businessman in the city of Montreal.

Furthermore, she gives plenty of her time to the social work for the benefit of the whole community and especially to the poor and disinherited people.

In the circumstances, I have no hesitation to recommend her to your kind consideration and attention.

Yours truly,

R. Camirand,
Judge of the Court of Sessions of the Peace.

Office of the Clerk of the Crown,
Court House, Montreal, May 11, 1956.

Re Mrs. Lucy Bisante, 29 Maplewood Avenue, Outremont, Montreal, Province of Quebec.

Hon. James O. Eastland,
Chairman, Judiciary Committee,
United States Senate, Washington, D. C.

Dear Mr. Chairman: This is to certify that I know Mrs. Lucy Bisante and that, since about 12 years, she has been engaged in many social works, being a leading figure.

She is the wife of Mr. Angelo Bisante, a prominent businessman here in Montreal, and the mother of a young daughter, to whom she is very devoted.

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Since those years that I have known her, I can say that nothing prejudiciable to her has happened.

She certainly deserves a sincere consideration.

Truly yours,

[SEAL] OVIDE LECLERC,
Assistant Crown Clerk.

H. R. 5816

The beneficiary is a 32-year-old native and citizen of Norway, who presently resides in that country. The beneficiary was admitted to the United States on February 1, 1946, as a seaman, and on May 18, 1952, he was married to a United States citizen. The couple has one child who is a citizen of the United States. On December 13, 1953, the beneficiary was deported from the United States, and his citizen wife and child subsequently joined him in Norway. The beneficiary has been unable to qualify for a visa to enter the United States for permanent residence inasmuch as the record discloses that he was convicted in Norway in 1945, on several counts of the crimes of grand larceny and theft. The total value of the stolen goods was estimated at $37. Without the waivers provided for in the bill, the beneficiary will be unable to accompany his citizen wife and child to the United States for permanent residence.

A letter, with attached memorandum, dated December 5, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 5, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5816) for the relief of Kaare Moe Johnsen, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Buffalo, N. Y., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of crimes involving moral turpitude and who have been arrested and deported from the United States, and would authorize the alien's admission for permanent residence if he is found to be otherwise admissible under the provisions of that act. It would also provide that this exemption shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KAARE MOE JOHNSEN, BENEFICIARY OF H. R. 5816

Information concerning this case was obtained from the beneficiary by correspondence, and from Mr. and Mrs. Vincent Lawson, the beneficiary's uncle and aunt.

The beneficiary, Kaare Moe Johnsen, a native and citizen of Norway, was born on March 21, 1923. He married Florance May Wilsey, a United States citizen, at Charlotteville, N. Y., on May 18, 1952, and they are the parents of a daughter, Helen Christine. Both the wife and daughter reside with the beneficiary at Venstop Gjarpen, Pr. Skein, Norway, and are wholly dependent on him for support. The wife and child are registered at the American Embassy, Stortingsgaten, Norway, as American citizens.

Mr. Johnsen has a grammar-school education and is employed by the Norsk Hydro Co., Heroya, Norway, where he earns an average of 225 kroner or approximately $35 per week. He has no assets.

The beneficiary's only entry into the United States occurred at the port of New York on February 1, 1946, as a seaman. On May 3, 1953, a warrant of deportation was issued on the ground that after his admission as a seaman, he remained in the United States for a longer time than permitted. He was deported from the United States on December 13, 1953. His wife voluntarily accompanied him to Norway. Permission to reapply for admission into the United States after deportation was denied on July 13, 1955, and affirmed on appeal on September 2, 1955. In addition the beneficiary has also been refused a visa to enter the United States by the American consulate in Oslo, Norway, because of a conviction on March 2, 1945, in Skein, Norway, of a crime involving moral turpitude, to wit, theft, for which he was sentenced to a 6 months' prison sentence. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

In addition, the Director of the Visa Office, Department of State, submitted the following report on the case dated June 22, 1955:

DEPARTMENT OF STATE,
Washington, D. C., June 22, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of April 25, 1955, and its enclosures wherein you requested a report of the facts in the case of Mr. Kaare Moe Johnsen, beneficiary of H. R. 5816, 84th Congress, 1st session.

A report recently received by the Department from the American Embassy at Oslo, Norway, states that Mr. Johnsen was convicted by the court at Skien, Norway, in 1945, on several counts of the crimes of grand larceny and theft which crimes took place during the year of

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1945. He was sentenced to 6 months in jail for the commission of these crimes. The total value of the stolen goods was estimated at $37. On the basis of these convictions, which came to light after Mr. Johnsen had entered the United States, he was deported from this country to Norway.

In view of the foregoing Mr. Johnsen has been considered ineligible to receive a visa under the provisions of sections 212 (9) and 212 (a) (17) of the Immigration and Nationality Act.

As deportation is a matter handled by the Immigration and Naturalization Service, Department of Justice, it is suggested that the committee may desire to communicate with that Service in order to obtain additional facts in the case.

At this time the Department has no knowledge of any factor in Mr. Johnsen's case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude him from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Congressman J. Ernest Wharton, the author of the bill, submitted the following statement in support of the bill:

SEPTEMBER 17, 1955.

To Whom It May Concern:

This is to certify that we will have employment for Kare M. Johnsen as soon as he is available. He has been in our employ before and we have found him very honest, trustworthy, and satisfactory in all respects.

MARTIN & GEENE,
STEPHEN E. MARTIN.
By GLADYS K. GEENE, *Attorney.*

H. R. 1397

The beneficiary is a 30-year-old native and citizen of Mexico, who presently resides in that country. On June 14, 1951, he was married to a native and citizen of Mexico, who was admitted to the United States for permanent residence on February 29, 1944. On August 2, 1951, the beneficiary was excluded from the United States on the ground that he was not in possession of a valid immigrant visa. He was later found to be ineligible for an immigrant visa by the American consul, after the beneficiary admitted the commission of perjury in connection with his application for a visitor's permit. He appears to have testified that he was single, whereas he was actually married and intended to join his wife in the United States. Without the waivers provided for in the bill, the beneficiary will be unable to join his lawfully resident alien wife in the United States.

A letter, with attached memorandum, dated June 21, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 21, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 1397) for the relief of Antonio Lopez Aldama, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Louis, Mo., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of, or admit having committed, a crime involving moral turpitude.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANTONIO LOPEZ ALDAMA, BENEFICIARY OF H. R. 1397

Information concerning the beneficiary was furnished by the beneficiary's wife who resides at 839 Niedringhaus Avenue, Granite City, Ill.

The beneficiary, Antonio Lopez Aldama, a native and citizen of Mexico, was born in 1925. He is married to Maria Antonia Lopez Aldama. There are no children of the marriage, but Mrs. Aldama expects the birth of a child about July 4, 1955.

The beneficiary resides at Rio Grijalva No. 78, Guadalajara, Jalisco, Mexico. He is employed as a shoemaker in Guadalajara and earns about $3 per day. He attended school for 1 year and served his apprenticeship as a shoemaker under his father. The beneficiary has no assets or personal effects. He has a brother and two sisters residing in Mexico.

The beneficiary has never been in the United States. He was excluded by a board of special inquiry at Laredo, Tex., August 2, 1951, on the ground that he was not in possession of a valid immigrant visa. He was later found to be ineligible for an immigrant visa by the American consul, Guadalajara, Mexico, after he admitted the commission of perjury in connection with his application for a visitor's permit. He appears to have testified that he was single and desired to enter the United States to visit an aunt, whereas he was actually married and intended to join his wife and reside in the United States.

The sponsor, Maria Antonia Lopez Aldama, wife of the beneficiary, was born in Mexico June 13, 1921, and was admitted to the United States for permanent residence February 29, 1944. She has been employed as a machine operator since June 1944, by the Monarch Manufacturing

Co., St. Louis, Mo. Her assets consist of savings accounts in the amount of $2,600.

Private bill H. R. 3134, 83d Congress, introduced for the relief of Mr. Aldama, failed of passage.

A memorandum of information from the Commissioner of Immigration and Naturalization Service with reference to a similar bill which was pending in the 83d Congress for the relief of the same beneficiary, reads as follows:

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANTONIO LOPEZ ALDAMA, BENEFICIARY OF H. R. 3134

Information concerning the beneficiary of the bill, Antonio Lopez Aldama, was furnished by his wife, Maria Antonio Lopez-Aldama, a native and citizen of Mexico who resides at 839 Niedringhaus Avenue, Granite City, Ill. Mrs. Lopez-Aldama is the sponsor of the bill.

The beneficiary was born on September 13, 1925, at Ocotlan, Jalisco, Mexico. He was married to the sponsor in Mexico on June 14, 1951. They have no children.

The beneficiary is presently residing in Mexico and has not been able to obtain a visa for permanent residence because he committed perjury at the Amercian consulate at Guadulajara, Jalisco, Mexico, during August 1951, in applying for a visitor's visa when he attested that he was single, although he was in fact married.

Mrs. Lopez-Aldama was lawfully admitted to the United States for permanent residence at Laredo, Tex., on February 29, 1944. She has only been able to live with the beneficiary for a total of 4½ months since her marriage, during visits in Mexico, and now resides with an aunt and uncle in Granite City, Ill., where she is employed as a machine operator with a curtain company at an average salary of $55 per week.

The sponsor testified that she has accumulated $2,500 savings and is in a position to guarantee that the beneficiary would not become a public charge if he is allowed to enter the United States. She testified further that the beneficiary is a shoemaker by trade and believes that he would not have any difficulty obtaining employment in this country.

Congressman Melvin Price, the author of the bill, submitted the following statement and letter in support of the bill:

STATEMENT OF HON. MELVIN PRICE, 24TH ILLINOIS DISTRICT, SUPPORTING H. R. 1397, FOR THE RELIEF OF ANTONIO LOPEZ ALDAMA

Mr. Chairman, I respectfully urge the Subcommittee on Immigration of the House Committee on the Judiciary to give favorable consideration to H. R. 1397, for the relief of Antonio Lopez Aldama.

The wife of the beneficiary of this bill, Maria Antonio Lopez Aldama, resides in my congressional district at 839 Niedringhaus Avenue, Granite City, Ill. She recently

received her citizenship papers on December 19, 1955, and has since her residence in the United States exercised fine ideals of American citizenship. She has been employed by the Monarch Manufacturing Co. in St. Louis, Mo., for over 10 years and has, through thrifty handling of her salary, accumulated savings to assure that her husband would not become a public charge.

A son, Toribio Lopez, was born to the subject and Mrs. Lopez on July 8, 1955, in Granite City, Ill.

I have given close personal attention to this case. I have checked with neighbors and civic leaders on this family, and I can give my personal assurance that these are the type of people who make our best citizens. I know of no one more appreciative of her American citizenship than Mrs. Lopez. I hope that the committee will feel as I do that it is important that we hold this family together, and that we permit them to live here in the United States contributing in their own way toward making this the kind of country that we believe it is. I have no hesitancy in making these recommendations, and would not make them except on personal observation.

I feel strongly that a child should not be separated from his father, and I sincerely hope that the committee will report H. R. 1397, which will bring this young family together in one happy unit without further delay.

I respectfully request that the attached letter from Mrs. Lopez be included in the record.

GRANITE CITY, ILL., *January 4, 1955.*

Hon. MELVIN PRICE,
House of Representatives, Washington, D. C.

DEAR SIR: First I would like to wish you a very prosperous and successful year in 1956, and I hope that you will be able to continue to keep on doing the wonderful work that you have been doing in Congress.

Naturally, what with Congress starting up again, I guess you more or less expected to be hearing from me, but the main reason I am writing is the fact that I received my citizenship at the Belleville Courthouse, Belleville, Ill., on December 19, 1955. Needless to say, I am very happy and indeed grateful that I am among the fortunate to become an American citizen, of this you can be sure I appreciate.

The other reason I wanted to write was to let you know the date of the birth of my little boy, he was born at St. Elizabeth's Hospital July 8, 1955, and his name is Toribio Lopez, and if I didn't add the bit that he's adorable and so sweet, I wouldn't be the proud mother that I am.

Of course it goes without saying that once again I am hoping as hard as ever that this year will be the year that when the bill is introduced this year, it will be passed. As usual I want to thank you for all the effort that you have put forth and every courtesy that you have shown me and of course I don't have to add that any word from you will be greatly appreciated.

Sincerely,

ANTONIA LÓPEZ,
Mrs. Antonia Lopez.

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H. R. 1682

The beneficiary is a 30-year-old native of Albania, who was admitted to the United States on March 28, 1950, for permanent residence, in possession of a nonquota immigrant visa which was issued to her on the basis of her marriage to a United States citizen on February 27, 1950, in the Bahama Islands. On June 27, 1950, the marriage was annulled. Deportation proceedings were subsequently instituted on the ground that her nonquota immigrant visa was obtained by fraud. On July 31, 1952, the beneficiary was married to Steven J. Mathews, a United States citizen, and the couple now has one citizen child. With the waiver provided for in the bill, the beneficiary will be able to depart from the United States and qualify for a nonquota visa for permanent residence.

A letter, with attached memorandum, dated August 3, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

AUGUST 3, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7154) for the relief of Alice Petrides or Alice Defotiou or Alice Mathews, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files. According to the records of this Service, the correct name of the beneficiary is Alice Mathews.

The bill provides that, notwithstanding the provision of the Immigration and Nationality Act which excludes from admission, an alien who seeks to procure, or has sought to procure, or has procured, a visa or other documents by willfully misrepresenting a material fact, the beneficiary may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act.

As the spouse of a citizen of the United States, the beneficiary, if otherwise admissible, is entitled to nonquota status in the issuance of an immigrant visa.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ALICE PETRIDES OR ALICE DEFOTIOU OR ALICE MATHEWS, BENEFICIARY OF H. R. 7154

The beneficiary, Alice Mathews nee Liafe, a native of Albania, who now claims to be stateless, was born on June 29, 1925. She is married and last resided in Greece. The beneficiary entered the United States at the port of Miami, Fla.

on March 28, 1950, when she was admitted for permanent residence under section 4 (a) of the Immigration Act of 1924.

On February 27, 1950 at Nassau, Bahama Islands, the beneficiary was married to George Nikolas Petrides, a naturalized citizen of the United States. On the basis of this marriage, a nonquota immigrant visa was issued to the beneficiary on March 27, 1950, in Nassau, and the beneficiary entered the United States with that visa on March 28, 1950. The above marriage was never consummated and on June 27, 1950, in superior court, Cook County, Ill., the marriage was annulled.

Deportation proceedings were instituted against the beneficiary on October 11, 1950, and she has been found to be subject to deportation under section 3 of the act approved May 14, 1937, as an alien who obtained a nonquota visa by fraud. The beneficiary has been requested to depart from the United States on or before October 14, 1954.

The beneficiary lived in Albania in her native town until 1944 and received an elementary school education. In 1944, the beneficiary fled to Athens, Greece, because of occupation of her native country by Communist forces. She lived in Athens, Greece, with her mother and uncle from 1944 until she entered the United States in March of 1950.

On July 31, 1952, at Toledo, Ohio, the beneficiary was married to Steven J. Mathews, a United States citizen. She resides in Detroit, Mich., with her husband and infant child, born in Detroit, Mich., on August 5, 1953.

Steven J. Mathews, the husband of the beneficiary, is a partner in the Tropical Chili & Sausage Manufacturing Co., 1262 Michigan Avenue. He earns approximately $135 a week and has assets of approximately $15,000 which consists of the following: interest in his business, $13,000; cash in the bank, $2,000.

In addition, the Director of the Visa Office, Department of State, submitted the following report on the case dated February 26, 1954:

DEPARTMENT OF STATE,
Washington, February 26, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED; Further reference is made to your letter of January 18, 1954, and its enclosures, wherein you request a report of the facts in the case of Miss Alice Petrides or Alice Defotiou or Alice Mathews, beneficiary of H. R. 7154, 83d Congress, 2d session.

A communication has been received from the American consulate at Windsor, which reports that this alien filed a preliminary application for an immigrant visa on December 5, 1952. At that time she stated that she was married to an American citizen, Mr. Steven Mathews of 3343 Yemans Avenue, Hamtramck 12, Mich. The latter's approved petition, which accords his wife nonquota status, is on file at the consulate.

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It is further reported that, on the basis of the information available to the consulate, it appears that the case of Mrs. Mathews falls within the purview of section 212 (a) (19) of the Immigration and Nationality Act, which renders ineligible to receive a visa and excludable from the United States any alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation, or who seeks to enter the United States by fraud, or by willfully misrepresenting a material fact. Information furnished the consulate by the Immigration and Naturalization Service indicates that Mrs. Mathews was the "subject of deportation proceedings * * * pursuant to warrant of arrest issued October 11, 1950, under act of 1937—nonquota visa obtained by fraud in contracting marriage judicially annulled."

At this time the Department has no knowledge of any factor in Mrs. Mathews' case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Mathews from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Congressman Thaddeus M. Machrowicz, the author of the bill, submitted the following statement in support of the bill:

STATEMENT OF HON. THADDEUS M. MACHROWICZ, REPRESENTATIVE, FIRST DISTRICT, MICHIGAN, IN SUPPORT OF H. R. 1682, A BILL FOR THE RELIEF OF ALICE PETRIDIES OR ALICE DEPOTIOU OR ALICE MATHEWS

This bill provides that the above-named beneficiary may be admitted to the United States for permanent residence notwithstanding the provisions of the Immigration and Nationality Act.

She is a native of Albania and entered the United States at the port of Miami, Fla., on March 28, 1950, when she was admitted for permanent residence under section 4 (a) of the Immigration Act of 1924.

At that time she was married to George Nikolas Petrides, a naturalized citizen of the United States. On the basis of this marriage she received a nonquota immigrant visa and made her entry to the United States. This marriage was annulled in the Superior Court, Cook County, Ill., on June 27, 1950, and deportation proceedings were instituted against her on October 11, 1950, under section 3 of the act. Although it was alleged that the nonquota visa was obtained by fraud, the only actual allegation of fraud was the fact of the aforementioned annulment of the marriage. No claim is made that she did not enter into the marriage contract in good faith or that at the time of her entry into the country there was any fraudulent intent on her part to have the marriage annulled.

90007°—57 S. Rept., 84-2, vol. 7——68

The beneficiary lived in her native town in Albania until 1944 when she was compelled to flee to Athens, Greece, because of the occupation of her native country by Communist forces. She lived in Athens, Greece, with her mother and uncle until she left for the United States in March 1950.

On July 31, 1952, she was married again in Toledo, Ohio, to Steven J. Mathews, a United States citizen. She resides in Detroit, Mich., with her husband and infant child, born in Detroit, Mich., on August 5, 1953.

Her husband, Mr. Steven J. Mathews, is a partner in the Tropical Chili & Sausage Manufacturing Co. in Detroit, and has ample funds in which to support her and the child. He is an honest, loyal, and law-abiding citizen, and has a good reputation in the community.

It appears to me that any action which would compel this woman and child, wife of an American citizen, now to leave the country would be inhumane, particularly since the only basis for the deportation is a very technical charge not based upon any actual fraud whatsoever. I deem this to be a very deserving and meritorious case.

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 581) should be enacted.

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Calendar No. 2148

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2125

WAIVING CERTAIN PROVISIONS OF SECTION 212 (a) OF THE IMMIGRATION AND NATIONALITY ACT IN BEHALF OF CERTAIN ALIENS

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 590]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 590) to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens, having considered the same, reports favorably thereon without amendment and recommends that the joint resolution do pass.

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution is to waive certain excluding provisions of existing law in behalf of six inadmissible aliens who are the spouses of United States citizens.

STATEMENT OF FACTS

H. R. 1385

The beneficiary is a 43-year-old native of Bermuda and subject of Great Britain, who presently resides in Bermuda. She was admitted to the United States on September 24, 1949, as a visitor. In June 1950, the beneficiary was married to Elton E. Beane, a United States citizen. Three weeks after their marriage, the beneficiary learned that her former husband had failed to obtain a divorce pursuant to a mutual agreement. On January 22, 1951, this prior marriage was dissolved by divorce, and on January 22, 1951, the beneficiary remarried Mr. Beane. In 1953, the beneficiary returned to her native

country while she was the subject of deportation proceedings. She was subsequently refused an immigrant visa on the ground that she admitted the commission of the crime of bigamy. Without the waiver provided for in the bill, the beneficiary will be unable to join her United States citizen husband in this country.

A letter, with attached memorandum, dated June 24, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

In addition, the Director of the Visa Office, Department of State, submitted the following report on the case dated February 15, 1954:

JUNE 24, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7091) for the relief of Mrs. Myrtle Richardson Beane, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would exempt the beneficiary from the provisions of section 212 (a) (9) of the Immigration and Nationality Act, which excludes from admission to the United States aliens who have been convicted of a crime involving moral turpitude, or aliens who admit having committed such a crime, or aliens who admit committing acts which constitute the essential elements of such a crime. The bill does not specifically limit the applicability of the exemption to grounds for exclusion of which the Department of Justice or the Department of State has knowledge prior to the date of enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. MYRTLE RICHARDSON BEANE, BENEFICIARY OF H. R. 7091

Myrtle Louise Edith Beane, nee Richardson and formerly Matthews, was born in Hamilton, Bermuda, on November 5, 1912. She is a subject of Great Britain. At present, the beneficiary resides in Pembroke East, Bermuda, having returned to her native country in June 1953 while she was the subject of deportation proceedings by the Immigration and Naturalization Service. These proceedings were based on the beneficiary's last entry into the United States, which occurred at New York, N. Y., on September 24, 1949. She was at that time admitted as a temporary visitor for a period of 3 months, with subsequent extensions and satisfactory departure dates extending to November 1, 1950. After the beneficiary failed to depart from the United States, she was served with a warrant of arrest which charged her with hav-

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ing remained in the United States for a longer time than permitted. The beneficiary filed an application for adjustment of immigration status under the provisions of section 19 (c) (2) of the Immigration Act of 1917, as amended. This application received Service approval but failed of congressional action. Thereafter, the Board of Immigration Appeals ordered a grant of voluntary departure. It was in compliance with this order that the beneficiary departed from the United States to Bermuda on June 14, 1953. Service records indicate that the beneficiary had made previous entries into the United States as a nonimmigrant in 1937, 1946, and 1948.

According to information supplied in sworn testimony before this Service by Mr. Elton Eugene Beane, United States citizen-spouse of the beneficiary, Mrs. Beane was refused an immigrant visa at the American consulate, Hamilton, Bermuda, on the ground that she admitted the commission of the crime of bigamy, thus placing her within a class of aliens excludable from the United States under the provisions of section 212 (a) (9), Immigration and Nationality Act. Evidence previously furnished indicates that the beneficiary, while married to one James Matthews, a native and resident of Bermuda, contracted a marriage with Mr. Elton Eugene Beane in Stamford, Conn., in June 1950. The marriage of the beneficiary and Mr. Matthews was dissolved by divorce in superior court, Forsyth County, N. C., on January 22, 1951. Mr. Beane has stated that 3 weeks after their first marriage ceremony in June 1950, he and the beneficiary separated when they learned that Mr. Matthews had failed to obtain a divorce from the beneficiary in Bermuda, pursuant to a mutual agreement, and that they resided apart until January 22, 1951, the date of their lawful remarriage in Winston-Salem, N. C. There has also been presented evidence of the dissolution of a marriage between Mr. Elton Eugene Beane and one Willie Mae Beane by divorce on May 29, 1950, in superior court, Forsyth County, N. C.

The beneficiary, except for time spent in the United States, has resided since birth in Bermuda. Her immediate family members, consisting of 1 brother and 2 sisters, are natives and residents of Bermuda. She is a dressmaker by trade but has not been formally employed since returning to Bermuda in June 1953. Prior to her return she had been assisting Mr. Beane in a business previously owned and operated by him in New York, N. Y.

The beneficiary attained an elementary school education in Bermuda. She has real estate and savings in Bermuda which are valued at approximately $2,400.

Mr. Elton Eugene Beane, a native of Bermuda, has resided in the United States since 1920, approximately, and was naturalized in 1943. From 1938 until October 1953 he was the proprietor of Lew's Hand Laundry, 2519 Broadway, New York, N. Y., and since disposing of that business has worked for several laundry and dry-cleaning establishments in that city at an average salary of $70 per week.

Mr. Beane has completed an evening high-school course. His assets consist of several hundred dollars in savings, rental on the sublease of an 8-room apartment and personal effects of an undetermined value.

In addition, the Director of the Visa Office, Department of State, submitted the following report on the case dated February 15, 1954:

DEPARTMENT OF STATE,
Washington, February 15, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to your letter of January 18, 1954, and its enclosures, wherein you requested the views of this Department concerning the enactment of H. R. 7091, a bill for the relief of Mrs. Myrtle Richardson Beane. Reference is also made to the Department's interim reply of January 21, 1954.

According to information contained in the Department's records, Mrs. Beane was issued a temporary visitor's visa on July 9, 1948, at the American consulate general at Hamilton, Bermuda, under her former name of Myrtle Louise Edith Matthews, and she arrived in the United States in September 1949. On June 24, 1950, she married Elton Beane at Stamford, Conn., without having obtained a divorce from Matthews, her former husband. On January 22, 1951, Mrs. Beane obtained a final divorce decree from Matthews and remarried Beane the same day. When questioned by the American consular officer at Hamilton regarding the possibility of an undissolved marriage existing at the time of her first marriage to Beane, and that she had twice married her present husband, Mrs. Beane admitted the facts to be true.

As a consequence, the consular officer to whom Mrs. Beane applied had no choice other than to refuse to issue an immigrant visa under the provisions of section 212 (a) (9) of the Immigration and Nationality Act, on the ground that Mrs. Beane had admitted the commission of a crime involving moral turpitude, namely, bigamy.

In the light of the information presently available to the Department, Mrs. Beane appears to be eligible to receive a visa except for the grounds of ineligibility stated above. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Beane's receiving an immigrant visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office.

The following letters in support of the bill were submitted to the Committee on the Judiciary of the House of Representatives:

NEW YORK, N. Y., *April 13, 1955.*

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee,
Washington, D. C.

DEAR SIR: I am taking the liberty to write to you on behalf of my wife, Myrtle Beane. In 1954, the Honorable Congressman Adam Powell submitted bill No. 7091, petitioning your committee to grant

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her permission for legal entry to the United States of America so that she may resume the normal process of being with me, her husband. Congress adjourned in 1954 before any action could be taken; so the Congressman has introduced another bill, No. 1385 at this session.

I'm writing to ask if you would be kind enough to give this bill your earliest attention, due to the hardships entailed through this continued separation.

I have operated a small business which I built in anticipation that I would have had the help of my wife in operating it, a job she did before returning to Bermuda. Operating this business and an 8-room apartment is a very difficult task without her.

Being separated causes me to make frequent expensive trips to Bermuda, because of the nervous state she is in because of this separation. I do not think the spirit and letter of the immigration laws are intended for the citizens of the United States to suffer such hardships. So, for this and many other reasons, may I respectfully request you to give this matter your earliest consideration.

Assuring that you already have my deepest appreciation and thanking you in advance for whatever you can do, I am,

Very sincerely yours,

ELTON E. BEANE.

NEW YORK, N. Y., *April 20, 1955.*

Re Private bill No. 7091 (1954) and private bill No. 1385 (1955).

Hon. EMANUEL CELLER,
Chairman of House Judiciary Committee,
House of Representatives, Washington, D. C.

HONORABLE SIR: I am writing in behalf of Mr. Elton E. Beane of this city, with respect to the above-named bills now pending before the House of Representatives of the United States Congress. These bills introduced by Congressman Adam Clayton Powell, Jr., both refer to remedial legislation permitting the entry into the United States of Myrtle Beane, wife of said Elton E. Beane.

It appears that only a superficial technicality has barred her reentry. There seems to be nothing substantial, nothing of a criminal texture or of a subversive nature involved.

Mr. Beane himself is an upstanding citizen of the United States and is well deserving of some favorable consideration to enable him to have his wife rejoin him and so reestablish his home and family ties.

I have known Mr. Beane personally for many years and know of his integrity and exemplary character and loyalty as a citizen.

For about 15 years he has been president of the Bermuda Benevolent Association, Inc., an outstanding organization in the community doing a commendable civic and charitable and benevolent work. He is prominent in religious and musical circles. And, too, he is a hard-working and reputable businessman here.

As a citizen and personal friend of Mr. Beane, I do urge you to fully support these bills and assure you of a deep appreciation should you exert your utmost to insure their enactments. I am,

Faithfully yours,

A. C. STUART WILLIAMS,
Counselor at Law.

NEW YORK, N. Y., *April 13, 1955.*

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee,
Washington, D. C.

DEAR SIR: A bill No. 7091 was submitted in the year 1954, by Congressman Adam C. Powell on behalf of Elton Beane and his wife, Myrtle Beane. No action was taken on this bill because Congress adjourned, so another bill, No. 1385, was submitted by Congressman Powell at the opening of this session.

Mr. Beane is seeking admission to the United States for his wife and in that connection I should like to forward the following facts on their behalf:

I have known them for a number of years and have always found them to be the type of persons that would be an asset to our great country. Mr. Beane is very active in the fields of benevolence, church, music, and general betterment of our community, and as an American citizen, I should consider it a great injustice if they are compelled to be separated.

I would therefore, sir, request you to use your good office to give permission for Mrs. Beane's legal entry in the United States of America to resume her happy association with her husband, Elton Beane.

Respectfully submitted.

HERBERT THOMPSON.

NEW YORK, N. Y., *April 20, 1955.*

Re Private bill No. 7091 (1954) and private bill No. 1385 (1955)

Hon. FRANCIS WALTER,
Chairman of House Immigration Subcommittee,
House of Representatives, Washington, D. C.

HONORABLE SIR: I am writing in behalf of Mr. Elton E. Beane of this city, with respect to the above-named bills now pending before the House of Representatives of the United States Congress. These bills introduced by Congressman Adam Clayton Powell, Jr., both refer to remedial legislation permitting the entry into the United States of Myrtle Beane, wife of said Elton E. Beane.

It appears that only a superficial technicality has barred her reentry. There seems to be nothing substantial, nothing of a criminal texture or of a subversive nature involved.

Mr. Beane himself is an upstanding citizen of the United States and is well deserving of some favorable consideration to enable him to have his wife rejoin him and so reestablish his home and family ties.

I have known Mr. Beane personally for many years and know of his integrity and exemplary character and loyalty as a citizen.

For about 15 years he has been president of the Bermuda Benevolent Association, Inc., an outstanding organization in the community doing a commendable civic and charitable and benevolent work. He is prominent in religious and musical circles. And, too, he is a hard-working and reputable businessman here.

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As a citizen and personal friend of Mr. Beane, I do urge you to fully support these bills and assure you of a deep appreciation should you exert your utmost to insure their enactments. I am,

Faithfully yours,

A. C. STUART WILLIAMS,
Counsellor at Law.

GRACE CONGREGATIONAL CHURCH,
New York, N. Y., April 14, 1955.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee,
Washington, D. C.

MY DEAR CONGRESSMAN CELLER: This is with reference to House bill No. 1385, submitted in 1955 with reference to the reentry into our country of Mrs. Myrtle Beane. I need not go into the details, of which you are aware. But I am anxious for you to know that as a clergyman, as well as pastor of Mr. Elton Beane and Mrs. Myrtle Beane, I have no doubt whatever about the merits of this case. It was to their minister that they first brought the details of the well-nigh tragic exclusion of Mrs. Beane, due to circumstances and technicalities of which she was unaware when she left the country. Mrs. Beane is a woman of integrity and of real ability. I have no doubt whatever that she will continue to be an excellent citizen and if permitted to enter the country again, will continue to make her wonderful community contributions to our city, through the church and other social agencies.

May I urge you, dear Congressman, to push this bill No. 1385, submitted in 1955, which is a sequel to last year's bill No. 7091, which was not acted upon because of adjournment. I am enclosing copy of a letter on the same matter to Representative Walter. With thanks for what your kind office can do in this matter, I am,

Sincerely yours,

HERBERT KING, *Minister.*

H. R. 2471

The beneficiary is a 52-year-old native and citizen of Norway, who presently resides in that country. On March 9, 1954, he was married in Norway to a United States citizen who became acquainted with the beneficiary in 1952, while on a visit to Sweden. The beneficiary has been unable to qualify for a visa to enter the United States, inasmuch as the record discloses that on April 10, 1953, he was convicted of the crime of embezzlement, and given a 6 months' suspended sentence. Without the waiver provided for in the bill, the beneficiary will be unable to join his United States citizen wife in this country.

A letter, with attached memorandum, dated May 13, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 13, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill H. R. 2471 for the relief of Finn Bache, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Jacksonville, Fla., office of this Service which has custody of those files.

The bill would provide that, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Finn Bache may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act, provided that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of the act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE FINN BACHE, BENEFICIARY OF H. R. 2471

Since the beneficiary has never resided in the United States the following information concerning him was obtained from Mabel Jacobson Bache, his wife, a native-born citizen of the United States, residing at 315 South Boulevard, Deland, Fla.

The beneficiary was born April 6, 1903, in Oslo, Norway, of which country he is a citizen. He presently resides at Studenterhjemmets Hotel, Underhaugsweien 15, Oslo, Norway, and is believed to be unemployed. However, his usual occupation is that of a bookkeeper. He is a high-school graduate and has attended a commercial college in Norway. It is not believed that he has any income or assets. There are two married sisters, names unknown, who are the only close family relations known to Mabel Jacobson Bache, both of whom reside in Norway. His parents are believed to be deceased. Mabel Jacobson Bache asserted that the beneficiary is a democratic-minded person and free from subversive traits.

While on a visit to Sweden in 1952 Mabel Jacobson Bache met the beneficiary where she associated with him for several weeks before returning to the United States. She went to Oslo, Norway, in 1954 where she married the beneficiary on March 9, 1954.

Mabel Jacobson Bache could furnish little information concerning the inadmissibility of the beneficiary to the United States, or details of his criminal record. She did state that he told her prior to their marriage that he had been arrested in early 1952 relative to the disappearance of

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funds belonging to his employer, and that as a result he was convicted and given a 6 months' suspended sentence.

The beneficiary's spouse filed petition for issuance of an immigrant visa which was approved April 16, 1954.

It is suggested that the committee may wish to communicate with the Visa Office of the State Department for information concerning the beneficiary's criminal record abroad.

In addition, the Director of the Visa Office, Department of State, submitted the following report dated April 6, 1955, concerning the case:

DEPARTMENT OF STATE,
Washington, April 6, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 1, 1955, and its enclosures, wherein you requested a report of the facts in the case of Finn Bache, beneficiary of H. R. 2471, 84th Congress, 1st session.

On January 12, 1954, the American consulate general at Goteborg reported as follows:

"The applicant, Finn Bache, was refused a visa under section 212 (a) (9) of the Immigration and Nationality Act, having been convicted of the crime of embezzlement on April 10, 1953. A translation of the police report is attached. Mr. Bache admitted to officers of the consulate general that he had been guilty of embezzlement, stating that the amount involved was SKr2,000 ($385). His probationary officer stated, however, that the amount was SKr11,000 ($2,115). At any rate, the crime of embezzlement clearly constituted one involving moral turpitude, and Mr. Bache was refused a visa for that reason."

There is enclosed a copy of a certified English translation of the sentence passed on Mr. Bache on April 10, 1953, by the city court at Gothenburg.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office
(For the Secretary of State).

Enclosure: Court sentence.

Journal No. B 302/1952.
Judgment No. B 122/1953.

GOTHENBURG CITY COURT
Fifth Department A

Stamped: Kr. 20.–

JUDGMENT

Given on April 10th, 1953, at the City Hall in Gothenburg

Parties:

Plaintiff: Rolf Seevers, Public Prosecutor.

Defendant: Norwegian citizen, steward assistant Finn Bache, Wallins Pension, Berzeliigatan 19, Gothenburg.

The Public Prosecutor has pleaded that Bache is liable in accordance with chapter 22, section 3 of the Penal Code for gross embezzlement claiming as follows: On various occasions during the years 1951 and 1952 in the employment of A. B. Nordisk Resebureau at the firm's office in the house Hotellplatsen 2 in Gothenburg, Bache has appropriated and used for his own account in all Swedish krnonor 11,071 and 10 øre, for which amount he was under the obligation to render an account to the firm which on account of his procedure was caused damage. With the object of making discovery more difficult, Bache one day in May 1952 removed and destroyed a stub remaining in a receipt-book with notes regarding payment made to the firm. In view hereof and the size of the amount, the breach is considered to be a gross offence.

Bache has admitted the act, and the admission is supported by other circumstances in the case.

The City Court find that what Bache has laid himself open to blame for comprise gross embezzlement.

The City Court sentence Bache in accordance with chapter 4, sections 1 & 2, as well as chapter 22, section 3 of the Penal Coce to penal servitude for 6 months for gross embezzlement.

The City Court direct in accordance with the law regarding conditional judgment, that the execution of the punishment is conditionally to be deferred. During a trial period of three years, Bache is to be placed on probation. As Probation Officer the City Court appoint Gøsta Detterborg, Superintendent, Skyddsvärnet, Gothenburg.
Kr. 2.—(stamped).

LAGE SAMUELSON.
JOHAN VON SYDOW.

It is certified that this copy is in accordance with the documents filed in the City Court.

ex officio:
JO HUFELDT (Sgd.)

It is certified that this judgment has not been appealed within the time limit stipulated by the law.

GOTHENBURG CITY HALL, *October 26th, 1954.*
ex officio:
JO HUFELDT (Sgd.)

Stamped:	Kr. 1.–
Fee	*Kr. 1.–*
Total	Kr. 2.–

THE SUPERINTENDENT OF POLICE IN GOTHENBURG

D. D. III/B/1953.
B.R.

It is hereby stated that Finn Bache, Norwegian citizen born in Oslo, Norway, on the 6th April 1903, registered and living at Berzeliigatan 19, c/o. Wallin, the Parish of Vasa, Gothenburg, has not been sentenced, as far as is known, for any infringement of the Swedish law other than on the 10th April 1953, when he was sentenced to 6

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months' penal servitude for gross embezzlement, by the Gothenburg City Court, which sentence was conditionally deferred.

Gothenburg Police Headquarters, 9th July 1953.

Sgd. Ernst Fontell.

Gothenburg Police Headquarters.

Stamps affixed and canceled.

Fee: kr.2.–.
Stamp: kr.1.–.

kr.3.–.

Congressman A. S. Herlong, Jr., the author of the bill, submitted the following letters in support of the bill:

OSLO, *June 9, 1955.*

Hon. A. S. HERLONG, Jr.,
House of Representatives, Washington, D. C.

DEAR MR. HERLONG: Yesterday afternoon I received a letter from my wife, telling me of the interview you were good enough to grant her on De Land Airbase on Monday last week, and enclosing copies of the reports and memorandums referring to my case in the Judiciary Committee of the House of Representatives, which were handed to her by your good self.

I am writing you immediately to comment on the above-mentioned reports, and to explain the apparent discrepancy in the figures in question.

In the first place I want to emphasize the fact that what I stated in my letter to you of April 22 last year is the honest truth. It was the circumstances in connection with the amount of Swedish kroner 2.500 (actually 2.521.70 equals $500) that brought about all this misery. I did not realize at the time, and still don't, that the SKr21.70 were of any importance. The figure of 2.500 is the amount I have mentioned to the officials at the United States consulate general in Gothenburg and the United States Embassy here, and always Swedish kroner, for which the rate of exchange to the United States dollar is 5.05. (I could not swear to the number of øre (one-hundredth krona), though.) If the young man at the Embassy here made the mistake of converting the sum of Swedish kroner into the equivalent sum in United States dollars at the rate of exchange for Norwegian kroner (which is 7.12), I can't see how I can be blamed for that. I never swore to any such amount in dollars, as the sum I have mentioned all the time is Swedish kroner 2.500. I regret having to admit that I did not include the SKr21.70.

This sum of SKr2.521.70 added to SKr8.549.40 makes SKr11.071.10, and the appearance of the latter amount in the court record I shall explain below.

About 1 year and 1 month before this to me so catastrophic incident I had an affair with the firm in which the sum of SKr8.549.40 was involved. When called upon to restore the amount I paid it in at once, and the episode was forgiven and forgotten.

Imagine my surprise and perturbation when that affair was brought to the notice of the police. I pleaded that that affair was ended and closed, but was told that it was included in the firm's statement, and, therefore, "subject to public prosecution." At the end of the hearing,

during which I contested that the "firm [which] on account of his procedure was caused damage" (as stated in the court record), seeing that everything was paid in; and pleaded "not guilty" to having committed gross embezzlement, even the public prosecutor stated that he would have no objection to any sentence being made suspended. The trial period of 3 years on probation was revoked as from March 1, 1953, after only less than 11 months, confirmed by the probation officer, Mr. Detterborg's letter, which is in your possession.

As to the curious "Memorandum of information from Immigration and Naturalization Service files," I beg to state I am not unemployed. My usual occupation is not that of a bookkeeper but that of senior booking clerk, of which term I do not know the American equivalent. For the time being I hold a temporary job as supervisor of the clerical work connected with the transfer of a privately owned hydroelectric powerplant to a municipality in the neighborhood of Oslo. I did not only attend a commercial college, but after 3 years' studies I passed my full examinations and was graduated from Oslo Handelsgymnasium (Commercial College) with the mark "very good." My parents are not believed to be deceased, but they have passed away. For that I am grateful, for the reason that they were spared to grieve at my disgrace. This is what my wife must have told the investigating officer.

I am not a crook or a criminal, not a "bad egg," as the saying goes, and I had hoped that the letters of recommendation from my friends and some officials would convince the men in power of that. And anybody who knows my lovable wife would understand that she could not marry a criminal, nor could she honor a bad man with her love. After we met the first time we were separated for almost 2 years before we married, so we have proved to ourselves and to the world that we belong. We only hope and pray that the men who shall decide in the matter will realize that they hold in their hands the destiny of two decent people in love, whose only wish is to be allowed to live together happily as husband and wife. As the husband concerned I admit having made my mistakes, which I have atoned for and have had time to repent. My beloved wife's limitless loyalty and affection have carried us along, and at my doubts whether she would have gone through all this unpleasantness in connection with a husband failing to turn up (although through no reluctance on his part to do so), and being investigated by immigration officials, if she had known all this before our marriage, she avows that she would, and insists on the right of every individual to fight for happiness and a harmonious marriage. To contribute my part toward attaining this I am willing to give up everything here, without the slightest hesitation, and emigrate to a foreign country overseas to settle down there and find work in which my education and experience can be put to use, so that my beloved wife's more than 30 years' workday for the Government may be ended and she may spend the rest of her days in retirement in a happy married life.

Was my offense then so great that it could be cause enough to prevent my lovable wife and me from sharing our lives in her country? It is our sincere hope that the men who are deciding will consider our case favorably, and in their magnanimity waive the provisions of the letter of the law, thereby making two human beings happy and with, no unpleasant consequences for the Nation whose safety they are

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chosen to protect. My wife and I are not so young any longer and consider every month, week, and day spent apart as empty and wasted, which I am sure everybody will understand.

For your kindness and understanding we shall always be in your debt, and for your invaluable help we are more grateful than I can express it. As you know my lovable wife you can no doubt understand my feelings for her, whom it is my only aim to try to make happy. for the rest of her life by my side.

Sincerely yours,

FINN BACHE.

GOTHENBURG, *January 24, 1955.*

Hon. A. S. HERLONG, Jr.,
House of Representatives, Washington, D. C.

DEAR SIR: As a former colleague of Mr. Finn Bache of Oslo, I hereby declare having known him since he entered the service of the firm in which I work, and became a friend of his.

As he has now married an American citizen and wants to join her in Florida it is with pleasure that I give him my best recommendation for an immigration visa: I understand that his difficulty in obtaining this the regular way was due to his misdemeanor. I hope, however, that a legal technicality shall not prevent him from joining his wife and live happily together with her in the United States, and with your kind assistance I am confident that the outcome of his appeal will be a favorable one.

I do not hesitate expressing my firm conviction that Mr. Bache will be a good respectable citizen.

I am, dear sir, yours,

DAGMAR ENANDER,
Chief of Ticket Issuing Department,
A. B. Nordisk Resebureau, Gothenburg, Sweden.

OSLO, *January 10, 1955.*

Hon. A. S. HERLONG, Jr.,
House of Representatives, Washington, D. C.

DEAR SIR: As a friend of Mr. Finn Bache of this city, I know about his endeavors to obtain a United States immigration visa, and that you are giving him your valuable assistance by being willing to introduce a bill in Congress with a view to waive the provisions of the present immigration laws under which he seems not to be eligible for a visa in the regular way.

I have known Mr. Bache for a long period of years, and his having committed an offense has not changed his position in my esteem. He certainly has suffered for his misdemeanor, and I think it to be hard lines on him if his offense should be cause enough to prevent him from joining his sweet wife, whom I had the privilege of meeting during her visit here in March last year when she honored Mr. Bache by becoming his wife.

From my good knowledge of him during these years of friendship I can give him my best recommendation, and I have not the slightest doubt that he will be a decent, respectable citizen by his lovable wife's side.

Hoping that his efforts, with your valuable help, will have a favorable outcome and thus insure the happiness of two nice people, I would like to add my thanks for your understanding and willingness to handle his case at the proper quarters.

Sincerely yours,

SVEN DALHOLST.

THOS. COOK & SON,
Oslo, December 18, 1954.

Hon. A. S. HERLONG, Jr.,
House of Representatives, Washington, D. C.

DEAR SIR: It is with pleasure I have learned that you are willing to give Mr. Finn Bache your valuable help by introducing a bill in Congress and thereby try to obtain an immigration visa for him through an act of Congress, as his offense seems to make him ineligible for a visa according to the interpretation of the present immigration laws by your local consular representation.

For about 30 years I have been Mr. Bache's friend, and at his wedding here I was given the honor of acting as his best man. During these many years I have learned to know him thoroughly, and it is a pleasure to me to give him my best recommendation and every moral support in his efforts to obtain an immigration visa. He has suffered for his offense and has atoned for it, and his only wish is now to be allowed to join his lovable wife and start a new life with her. It is a pity if his misdeameanor should be a bar to his entering the United States, but I trust that the United States Congress will feel justified in granting the visa upon which the happiness of two decent people depends.

Thanking you for your kind help in the matter, which I am confident will come out favorably, I beg to remain, sir,

Yours sincerely,

E. MULLER LUND,
Assistant Manager.

H. R. 927

The beneficiary is a 33-year-old native of Jamaica and citizen of Great Britain, who presently resides in Jamaica. He was admitted to the United States in 1945, as an industrial laborer under the identity of another person. On May 30, 1947, he married a United States citizen and the couple has 2 children. The beneficiary voluntarily departed from the United States in October 1953. He has been unable to qualify for a nonquota immigrant visa inasmuch as he misrepresented material facts in connection with his first entry into the United States. Without the waiver provided for in the bill, the beneficiary will be unable to join his citizen wife and children in the United States.

A letter, with attached memorandum, dated June 24, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

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JUNE 24, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8471) for the relief of George Tyson Campbell, there is attached a memorandum concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Buffalo, N. Y., office of this Service, which has custody of these files.

The bill is intended to authorize the alien's admission to the United States for permanent residence notwithstanding the provision of section 212 (a) (19) of the Immigration and Nationality Act if he is found to be otherwise admissible under the provisions of that act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GEORGE TYSON CAMPBELL, BENEFICIARY OF H. R. 8471

George Tyson Campbell, a citizen of Great Britain, was born on July 30, 1922, in Jamaica, British West Indies. He first entered the United States on February 7, 1945, under the name of Ernest Lembhard when he was admitted as an industrial laborer for a period to expire December 31, 1945. A warrant of arrest in deportation proceedings was issued on September 6, 1950. However, the beneficiary departed voluntarily from the United States on October 7, 1953, and is presently residing at 154 King Street, Jamaica, British West Indies.

The beneficiary testified that he cohabitated with one Lottie Simms in Cleveland, Ohio, from September 1945, to January 1947. There was a child as a result of this union and the beneficiary was ordered by the court to pay $35 a month to support it. On May 30, 1947, the beneficiary married one Dorothy Harris, a native-born United States citizen. They have two children, both born in Cleveland, Ohio. Mrs. Campbell and her two children reside in Cleveland, Ohio, and are under the care of the county welfare department. While in the United States, Mr. Campbell was employed at the Western Reserve University School of Medicine, Cleveland, Ohio, as a laboratory assistant with pay of approximately $285 per month.

The beneficiary was refused a nonquota immigrant visa on December 7, 1953, under the provisions of 212 (a) (19) of the Immigration and Nationality Act. Mr. Campbell admitted to the American consulate, Jamaica, British West Indies, that he was medically examined, photographed, and fingerprinted in the name of Ernest Lemhard, another person, and entered the United States at New York, N. Y., on February 7, 1945, with documentation that concealed his true identity.

In addition, the Director of the Visa Office, Department of State, submitted the following report on the case dated April 1, 1954:

DEPARTMENT OF STATE,
Washington, April 1, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to your letter of March 24, 1954, and its enclosures, wherein you request a report of the facts in the case of Mr. George Tyson Campbell, beneficiary of H. R. 8471, 83d Congress, 2d session.

According to a communication received from the American consulate general at Kingston, Mr. Campbell was medically examined, photographed, fingerprinted, and documented in the name of his friend, Mr. Ernest Lemard, prior to his entry into the United States at New York, N. Y., on February 7, 1945, as a Jamaican farmworker. In doing so he concealed his true identity. He had failed in his own efforts to obtain selection and documentation in his own right because his application was made too late for selection. He did not avail himself of an opportunity to apply at the next recruiting session. His action was with the intent to proceed to the United States without regard to the regulations and procedures established by the Jamaican Government for the selection and documentation of farmworkers.

Section 212 (a) (19) of the Immigration and Nationality Act renders ineligible to receive a visa and excludable from the United States any alien who seeks to procure, or has sought to procure, or has procured, a visa or other documentation, or seeks to enter the United States by fraud, or by willfully misrepresenting a material fact. As a consequence, the responsible consular officer would have no choice under the law but to continue to withhold the issuance of an immigrant visa to Mr. Campbell.

At this time the Department has no knowledge of any factor in Mr. Campbell's case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mr. Campbell from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Representative Frances P. Bolton, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

> Mr. Chairman, members of the committee, may I take this opportunity to thank you for scheduling a hearing this morning on my bill for George T. Campbell. I believe sincerely that this is a meritorious case and it is my hope that you will consider it favorably.
>
> The brief facts are as follows: George Tyson Campbell, a citizen of Great Britain, was born July 30, 1922 in Jamaica, British West Indies. He first entered the United States as

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an industrial laborer on February 7, 1945. At that time he came in under the name of a friend, one Ernest Lembhard.

On October 7, 1953, he departed voluntarily from the United States and is presently residing at 154 King Street, Jamaica, British West Indies. He has been refused a nonquota immigrant visa because he originally entered the United States under fraudulent circumstances.

On May 30, 1947, George Campbell married Dorothy Harris, a native-born United States citizen. They have two children, both born in Cleveland, Ohio. At present, Mrs. Campbell and the two children are living in Toledo, Ohio. She is receiving Ohio State mother's relief checks.

While in the United States Mr. Campbell was employed by the Western Reserve University School of Medicine as a laboratory assistant. The university is anxious for him to return to the United States as they need his services.

I have a letter from Dr. Douglas D. Bond, professor of psychiatry at the university which states in part:

"While Mr. Campbell did break the law in entering the United States illegally, his skills, high intelligence, and subsequent exemplary behavior have been such as to demonstrate his fitness to become a good and very useful citizen of our country. During his stay in the United States he demonstrated skills and talents which are badly needed in medical research. In our current work on the brain and on the vexing and urgent problems of mental illness, Mr. Campbell's qualifications and skills would be of inestimable help. If he is allowed to enter this country, he would join our research group."

I shall file Dr. Bond's letter with you for your use.

It is my hope that favorable action will be taken on H. R. 927. By passing this bill, we will be able to get a needed father back to his wife and two children; a needed worker back to the research laboratory of the Western Reserve University Medical School; and stop the payment of Ohio State mother's relief of three persons.

In addition, Mrs. Bolton submitted the following letters in support of the bill:

WESTERN RESERVE UNIVERSITY,
THE SCHOOL OF MEDICINE,
Cleveland, Ohio, March 10, 1956.

Hon. FRANCES PAYNE BOLTON,
House Office Building, Washington, D. C.

MY DEAR MRS. BOLTON: It is my understanding that your committee will shortly consider a private bill in behalf of George Campbell, a Jamaican, who is seeking reentry into the United States. Mr. Campbell apparently entered the United States under an assumed name. I would like to add my plea to those of others who have written in behalf of this very fine and worthy young man.

While Mr. Campbell did break the law in entering the United States illegally, his skills, high intelligence, and subsequent exemplary behavior have been such as to demonstrate his fitness to become a good and very useful citizen of our country. During his stay in the United

States he demonstrated skills and talents which are badly needed in medical research. In our current work on the brain and on the vexing and urgent problems of mental illness, Mr. Campbell's qualifications and skills would be of inestimable help. If he is allowed to enter this country, he would join our research group.

It is probably known to you that Mr. Campbell voluntarily brought his illegal entry to the attention of the immigration authorities. He married an American citizen and was a fine father to the two sons born of this union. Since he has been gone from this country his wife and sons have been supported by public relief agencies. Largely due to Mr. Campbell's efforts, these two boys were being reared in a manner which would insure their becoming useful citizens; in his absence they are a current, and probably future, liability to the community.

I hope that these facts will serve to outweigh the single wrongdoing committed by this very worthy young man who, I am certain, can be a good and very valuable citizen of our country if he is given the opportunity.

Many thanks.

Sincerely,

DOUGLAS D. BOND, M. D.,
Professor of Psychiatry.

UNIVERSITY HOSPITALS OF CLEVELAND,
March 14, 1955.

Hon. FRANCES P. BOLTON,
Federal Office Building, Cleveland, Ohio.

DEAR MRS. BOLTON: This letter is to certify that the services of George Campbell as a highly trained technician is greatly desired by the School of Medicine, Western Reserve University. He can obtain employment at the school of medicine immediately upon the establishment of permanent residence in the United States.

I want to thank you for both your interest and your effort in this issue.

Sincerely yours,

DOUGLAS D. BOND, M. D.,
Professor of Psychiatry.

H. R. 2489

The beneficiary is a 31-year-old native and citizen of Cuba, who presently resides in that country. He first entered the United States in 1946, as a visitor, and departed in 1949. On February 13, 1949, he reentered the United States as a visitor in possession of a passport and nonimmigrant visa issued in favor of his brother. He was subsequently granted voluntary departure. On October 16, 1949, he was married to a United States citizen, and the couple has one citizen child. In 1952, he departed, and attempted to obtain a nonquota immigrant visa. Such visa was denied when he admitted the prior deception as to his true identity. Without the waiver provided for in the bill, the beneficiary will be unable to join his citizen wife and child in the United States.

A letter, with attached memorandum, dated June 25, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

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JUNE 25, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7009) for the relief of Aldo Alvarez, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files. According to the records of this Service, the complete name of the beneficiary is Aldo Alvarez Castellanos.

The bill would exempt the beneficiary from the provisions of section 212 (a) (19) of the Immigration and Nationality Act, which excludes from admission to the United States aliens who have procured a visa or other documentation by fraud, or by willfully misrepresenting a material fact. The bill does not specifically limit the applicability of the exemption to grounds for exclusion of which the Department of Justice or the Department of State has knowledge prior to the date of enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ALDO ALVAREZ, BENEFICIARY OF H. R. 7009

Aldo Alvarez Castellanos, a native and citizen of Cuba, was born in Regla, Habana, Cuba, on May 7, 1924. He first entered the United States as a visitor in 1946, and departed in 1949, while under investigation relative to his illegal immigration status. On February 13, 1949, he reentered the United States as a visitor in possession of a passport and nonimmigrant visa issued in favor of his brother, Horacio Alvarez Castellanos. After having been apprehended by this Service and accorded hearings in deportation proceedings, the beneficiary was granted voluntary departure privileges. Throughout the proceedings, and at the time of his departure to Cuba on September 7, 1952, the alien continued to hold himself out as his brother, Horacio Alvarez Castellanos. Thereafter in November 1952, in connection with an application for a nonimmigrant visa at Habana, Cuba, the alien admitted the prior deception as to his true identity and, consequently, was denied such visa. As now, the beneficiary was then seeking to join his United States citizen spouse, Luisilia Alvarez, in New York City, where she resides with their minor citizen child, Aldo Alvarez, Jr. The couple had married in New York, N. Y., on October 16, 1949.

According to the testimony furnished this Service by the beneficiary's wife, who is the sponsor of H. R. 7009, Mr. Alvarez has been residing in his parents' home, Cespedes 15, Regla, Habana, Cuba, since September 1952. She has stated that he has not been gainfully employed during that period due to employment conditions in his native country. Mrs.

Alvarez, who lives in the New York City apartment of her sister and is employed as a secretary in a New York City law office, reportedly assists her husband financially to supplement the assistance received by him from his parents. While in the United States, from 1949 to 1952, the beneficiary was employed as a cook and counterman at the Royal Bar and Grill, 125 Spring Street, New York, N. Y., where he earned approximately $50 per week. Assets of Mr. and Mrs. Alvarez consist of furniture, clothing, and personal effects of undetermined value, together with property holdings of Mrs. Alvarez in Cabo Rojo, P. R., with an estimated value of $2,000. Both parties have attained a high-school education or its equivalent.

The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in connection with the admitted impersonation of his brother by the beneficiary before consular authorities at Habana, Cuba.

In addition, the Director of the Visa Office, Department of State, submitted the following report on the case dated February 26, 1954:

DEPARTMENT OF STATE,
Washington, February 26, 1954.

The Honorable CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to previous correspondence relative to the case of Mr. Aldo Alvarez, beneficiary of H. R. 7009, 83d Congress, 2d session.

A communication has now been received from the American Embassy at Habana, which reports that Aldo Alvarez Castellanos, a citizen of Cuba, first entered the United States for 29 days on September 19, 1946, and remained until January 19, 1949. Since he had been illegally in the United States for more than 2 years and feared that he would not again be admitted as a temporary visitor, he used a passport which he obtained in the name of his brother, Horacio Alvarez Castellanos, to reenter the United States on February 13, 1949, for a 29-day period. He remained in the United States until September 7, 1952, when he was granted voluntary departure by the Immigration and Naturalization Service under the name of Horacio Alvarez Castellanos. He was married on October 16, 1949, to an American citizen, Luisilia Montalvo.

It is further reported that Mr. Alvarez was informally refused an immigrant visa at the Embassy on January 8, 1953, under the provisions of section 212 (a) (19) of the Immigration and Nationality Act. This section of law renders ineligible to receive a visa and excludable from the United States any alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation, or seeks to enter the United States by fraud, or by willfully misrepresenting a material fact.

At this time the Department has no knowledge of any factor in Mr. Alvarez's case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa.

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However, it should be borne in mind that any other ground of ineligibility which might come to light prior to visa issuance would preclude Mr. Alvarez from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Congressman Arthur G. Klein, the author of the bill, submitted the following letter and statement in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 12, 1956.

Re H. R. 2489, for the relief of Aldo Alvarez

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: Reference is made to the above-captioned measure which as been docketed for consideration by subcommittee No. 1.

Your files will indicate that a medical certificate was submitted to the committee attesting to the mental and physical strain being placed on the American citizen wife and child of the alien because of their enforced separation. I am informed that the condition continues to be aggravated and it is feared that further separation may have irreparable effects upon the child.

It is my sincere hope that the committee may be able to bring this measure up for consideration very soon and accord it favorable consideration in order that this family may be reunited and lead a normal, healthy American life.

Please keep me advised as to the date and place of hearing so that I may make arrangements to be present.

With thanks and kind regards, I am

Sincerely,

ARTHUR G. KLEIN,
Member of Congress.

RE H. R. 7009, FOR THE RELIEF OF ALDO ALVAREZ

STATE OF NEW YORK,
County of New York, ss:

Luisilia Alvarez, being duly sworn, deposes and says:

I am an American citizen and the wife of Aldo Alvarez, for whose relief the above bill has been introduced.

I was born on April 1, 1928, at Puerto Rico. My father, Don Antonio Montalvo, was born in and about 1871 at Puerto Rico and my mother, Aurora Montalvo (nee Ramirez), was born in or about October 1891 in Puerto Rico. My father and mother were legally married in and about 1909 at Puerto Rico.

My husband, Aldo Alvarez, is a citizen of Cuba and born on May 7, 1924. He presently resides at Cespedes 15, Regla, Cuba.

My husband first entered the United States for 29 days on September 19, 1946, and remained until January 19, 1949. During that time I met Aldo Alvarez and we fell in love with each other.

When Aldo Alvarez returned to Cuba, it was for the purpose of straightening out his affairs and with the full intention of coming back to the United States to marry me. In order to return to the United States, because he had overstayed his 29 days when he was first here, he used his brother, Horacio Alvarez's passport, to reenter the United States on February 13, 1949.

Subsequently and on October 16, 1949, I married Aldo Alvarez in the city of New York. As a result of said marriage a child was born to your petitioner and Aldo Alvarez in the city of New York on May 13, 1952. Aldo Alvarez returned to Cuba in September 1952. Application for readmission to the United States by Aldo Alvarez and by everybody else on his behalf has been refused because he had entered the United States under his brother's passport.

All investigations indicate that Aldo Alvarez has an unimpeachable record. There has been submitted on his behalf a good conduct certificate issued by the Police Department of the City of New York and affidavits to the effect that he would not become a public charge if readmission were granted to him.

I am desirous of having my husband return to New York to live with my baby and me as a family unit. I am gainfully employed and there is no possible chance of Aldo Alvarez becoming a public charge. It is natural that the family unit be reunited and life continue together.

To that effect I respectfully request that a petition for an immigration visa be issued to my husband Aldo Alvarez.

LUISILIA ALVAREZ.

Sworn to before me this 19th day of March 1954.

OSCAR GONZALEZ-SUAREZ,
Notary Public in the State of New York.

Commission expires March 30, 1954.

H. R. 3642

The beneficiary is a 67-year-old native of England and citizen of Canada, who presently resides in Mexico. He resided in the United States intermittently from about 1908 until March 31, 1952, at which time he was deported to Canada. On June 17, 1952, the beneficiary was married in Canada to a citizen of the United States. On November 19, 1952, the beneficiary reentered the United States illegally, and was subsequently arrested and deported to Mexico. The beneficiary has been unable to qualify for a visa to enter the United States for permanent residence inasmuch as he has been previously deported from this country, and further because he was convicted in 1947, on four counts of issuing checks without sufficient funds. The beneficiary's wife resides with him in Mexico, together with their one citizen child and the beneficiary's stepchild. Without the waivers provided for in the bill, the beneficiary will be unable to accompany his family to the United States.

A letter, with attached memorandum, dated May 6, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case reads as follows:

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DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE.
Washington, D. C., May 6, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request to the Department of Justice for a report relative to the bill (H. R. 3642) for the relief of Colin Noyes Clinch-Jones, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Seattle, Wash., office which has custody of those files.

The bill would provide for the beneficiary's admission to the United States by exempting him from the excluding provisions of section 212 (a) (9) and section 212 (a) (17) of the Immigration and Nationality Act, which excludes from the United States those aliens who have been convicted of or admit the commission of a crime involving moral turpitude and those who have been previously deported.

As the husband of a United States citizen the beneficiary is entitled to nonquota status in the issuance of an immigrant visa.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING COLIN NOYES CLINCH-JONES, ALIAS COLIN NOYES JONES AND COLIN NOYES CLINCH, BENEFICIARY OF H. R. 3642

The beneficiary is a citizen of Canada, born on March 24, 1889, at Leeks, Staffordshire, England. He married Marjorie Lew Richter, nee Dempsey, a native-born United States citizen, on June 17, 1952, at Vancouver, British Columbia. The beneficiary was married and divorced three previous times. He has 6 United States citizen children by the 3 former wives, all of whom are of age and self-supporting. He has 1 child by his present wife, Michael Colin Jones, born April 18, 1954, at Kirkland, Wash., and 1 stepchild, Barbara Richter, born at Altadena, Calif., February 17, 1946. Both children reside with the beneficiary and his wife at Ejercito Macional 32, Mexico, D. F., and are dependent upon him for support. He has a brother, Peter Clinch, and a half-sister, Gwendolin Hayes, living in this country.

The beneficiary testified he graduated from the Birmingham University in Birmingham, England, with a degree in mining and metallurgy. He was last employed in 1954 at Seattle, Wash., as a machinist at the rate of $2.15 per hour. His present employment and financial circumstances in Mexico are unknown. The beneficiary first entered the United States about 1908 and resided in this country intermittently until March 31, 1952, at which time he was deported to Canada through the port of Blaine, Wash., for entering in 1934 without inspection. He reentered illegally on November 19, 1952, at Blaine, Wash., and was subsequently arrested and deported to Mexico through the port of

El Paso, Tex., on December 9, 1954. He is now barred from entering the United States because of the conviction for a crime involving moral turpitude and as an alien who had been deported from the United States. The beneficiary served in the Canadian Army from about 1917 to 1919.

On June 28, 1954, the beneficiary was convicted in the United States district court, Seattle, Wash., for illegal entry and was sentenced to 6 months in the Federal Prison Camp, McNeil Island, Wash. He was convicted in the superior court in and for the county of Los Angeles on August 4 and 5, 1947, for the crime of issuing checks without sufficient funds. Such conviction on 4 counts resulted in his ultimate sentence to the California State Prison at San Quentin for a term of 0–14 years on all counts, the first 2 counts to run consecutively and thereafter the last 2 counts to run concurrently. He was released from the San Quentin Penitentiary on parole January 31, 1951. In 1938 in California the beneficiary was arrested on the charge of drunkeness and violation of the California Motor Vehicle Code.

In addition, the Director of the Visa Office, Department of State, submitted the following report on the case dated October 26, 1955:

DEPARTMENT OF STATE,
Washington, October 26, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 3, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Colin Noyes Clinch-Jones, beneficiary of H. R. 3642, 84th Congress, 1st session.

On September 9, 1955, the Department received a report from the American Embassy at Mexico City in which a copy of the alien's police record was enclosed. However, the police record contained insufficient information upon which a determination could be made in regard to the alien's ineligibility to receive a visa under section 212 (a) (9) of the Immigration and Nationality Act. In addition, upon the basis of the police record, the question also arose as to whether or not the alien would be ineligible to receive a visa under section 212 (a) (10) of the act. Therefore, the Department requested that the Embassy have the alien obtain a copy of the charges forming the basis of his conviction, the provisions of law in full under which such charges were predicated, and the judgment of the court. The Embassy, in a communication dated October 5, 1955, reported that it did not know the present whereabouts of the subject alien. However, it was stated that should the alien return to the Embassy, he would be requested to provide the information that the Department desired.

You may rest assured that upon the receipt of any further information from the Embassy pertaining to Mr. Clinch-Jones' case, I shall communicate again with you.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

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Congressman Thomas M. Pelly, the author of the bill, submitted the following statement in support of the bill:

STATEMENT BY REPRESENTATIVE THOMAS M. PELLY IN SUPPORT OF H. R. 3642 (FOR THE RELIEF OF COLIN NOYES CLINCH-JONES)

I appreciate the privilege the committee has given in allowing my assistant, Mr. Ray Hibbard, to appear in my behalf, due to my absence from the city on official business at the time of this hearing, in support of H. R. 3642, for the relief of Colin Noyes Clinch-Jones.

My interest in this particular case is not so much in having an alien given permanent residence in this country, but is more in behalf of a one-time resident of Seattle, Mrs. Colin Noyes Clinch-Jones, an American citizen, and her American-born children. One son, who will reach the age of 2 years on April 18, 1956, due to an injury at birth, is at present time in need of constant orthopedic treatment and will continue to need this medical care throughout its growing years.

The following facts pertinent to the case, in my opinion, meriting the favorable consideration of this committee, are pointed up:

The beneficiary of this measure, Colin Noyes Clinch-Jones, is 67 years old. He has over 40 years of residence in the United States and for all intents and purposes—this is his country.

The beneficiary of this bill has 8 United States citizen children, 1 of which served in the United States Navy and 1 is presently in the United States Air Force. Mr. Clinch-Jones, himself, volunteered and served in the Canadian Army during World War I.

The separation of the beneficiary from his family is resulting in extreme hardship on his wife and two minor children. I believe the record of this case will reveal that Mrs. Clinch-Jones displayed a commendable loyalty to her husband when she accompanied her husband into exile in a foreign country in early 1954 when he elected to depart voluntarily. In July 1955, Mrs. Clinch-Jones and the two children returned to the United States due to financial difficulties beyond her control in order to seek employment. At the present time, she is employed by Jack Baskin, Inc., a construction firm, as a stenographer at a salary of $300 per month. Out of her take-home pay of $63 per week, she is compelled to pay $20 weekly for a babysitter. In October 1955, the husband proceeded to Tiajuana, Mexico, for the purpose of trying to cross the border to have his visa renewed. This was not permitted by the United States and on the day of his arrival, he was apprehended and held in custody until approximately March 9, 1956, when he was taken by the Mexican immigration authorities to Mexico City for deportation in about 10 days to England.

Mrs. Clinch-Jones has been endeavoring to obtain documents in connection with his conviction from the superior

court in Los Angeles requested by the American Embassy in Mexico City. She informed me by telephone on March 16 that she had not been able to pay the fee required to secure the information.

I am attaching to this statement a file which embodies a score of testimonial recommendations by reputable citizens in the community in which the beneficiary resided both before and subsequent to his conviction. The tenor of the testimonials would indicate that basically Mr. Clinch-Jones was to a large extent a victim of circumstance. It is hoped that the committee in analyzing and studying this file will note that there is no effort on his part to minimize his offense which I believe will incline the distinguished members of this committee to a more lenient attitude as compared to a possible normal reaction to the cold facts of his offenses and conviction as reported by the Department of Justice.

It will be noted by the committee also that in one instance, November 19, 1952, the father entered this country to sign papers for his son to serve in the Armed Forces. (See letter of June 9, 1953, from Marjorie Jones, wife of the beneficiary, to the President of the United States.)

In conclusion, I hope the committee will join me in my decision after careful consideration of this case, that allowing this family to be reunited will be an act of humanitarianism which will have a definite effect in the future on the lives of a mother and her children, who need the support and companionship of a husband and father. Mr. Clinch-Jones receives $100 a month under the Social Security Act which, in addition to any employment he might be able to obtain, could be applied with the salary of his wife to the support and upkeep of his family.

I respectfully request that each member of this committee carefully consider the merits of the case with particular reference to the following aspects: (1) Years of residence in this country, (2) minor child injured at birth not presently receiving imperative orthopedic treatment which it will continue to need for a number of years, (3) beneficiary is the father of 8 United States-citizen children, 2 of which served in the Armed Forces, and finally, the separation of husband from wife and family. I sincerely hope that the members of this committee will not follow the Biblical line and visit the sins of this father upon his children, but rather share my views that this family should not be separated.

H. R. 1374

The beneficiary is a 28-year-old native of Jamaica, British West Indies, who presently resides in that country. He was admitted to the United States on June 16, 1949, as an agricultural laborer, and on June 3, 1950, he was married to a United States citizen. The couple has two United States citizen children. On June 17, 1953, the beneficiary departed from the United States and thereby executed an outstanding order of deportation. The beneficiary has been unable to qualify for a visa to enter the United States for permanent residence, because of his previous deportation, and further that the visa with

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which he entered the United States in 1949, was obtained by fraud. Without the waivers provided for in the bill, the beneficiary will be unable to join his family in the United States.

A letter, with attached memoradnum, dated July 21, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 21, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8556) for the relief of Edson Rhodes Mills, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files. According to the records of this Service the correct name of the beneficiary is Edson Rhoden Mills.

The bill would waive the excluding provisions of section 212 (a) (19) of the Immigration and Nationality Act with respect to the alien's previous procurement of a visa by fraud and willful misrepresentation of material facts, and would authorize his admission for permanent residence if he is found to be otherwise admissible under the provisions of that act.

It should be noted that the bill as drawn does not specifically exempt the beneficiary from the provisions of section 212 (a) (17) of the stated act with respect to the necessity for obtaining permission to reapply for admission to the United States after deportation.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE EDSON RHODE MILLS, BENEFICIARY OF H. R. 8556

According to the records of this Service the correct name of the beneficiary is Edson Rhoden Mills. The beneficiary, a native and citizen of Jamaica, British West Indies, was born in Clarendon, Jamaica, on March 12, 1927. He arrived in the United States at West Palm Beach, Fla., as a visitor by plane, entering this country as an agricultual laborer on June 16, 1949, for a period of time expiring on September 30, 1949. He failed to depart within the time alloted to him.

Deportation proceedings were instituted on February 14, 1951 on the ground that after admission as a visitor he had remained for a longer period of time than permitted. Hearing was accorded him and on September 15, 1952 the hearing

officer ordered that the application for the privilege of suspension of deportation be denied and ordered that he be granted voluntary departure in lieu of deportation. Appeal from that order was made and on April 30, 1953, the Board of Immigration Appeals denied the request for suspension of deportation and ordered that the appeal be dismissed. He was ordered to depart voluntarily on or before June 16, 1953. On June 17, 1953, he departed from Miami, Fla. Having failed to avail himself of the privilege of voluntary departure he thereby effected his own deportation, and is now within a class excludable under section 212 (a) (17) of the Immigration and Nationality Act.

The beneficiary was refused an immigrant visa at Kingston, Jamaica, on December 2, 1953, on the grounds that he was documented as a farmworker by the Jamaican Labor Department in the name of Augustus Brown another person, and entered the United States through impersonation June 16, 1949, thereby concealing his true identity.

The following information was furnished by the beneficiary's wife, Margaret Adams Mills, a United States citizen born on May 24, 1932, at Washington, D. C. The beneficiary attended elementary school up to the age of 14 in his native country. This is the first marriage for each which occurred in New York City on June 3, 1950. Two children issued from this marriage, Joyce aged 3 and Edson aged 2, both United States citizens residing with their mother in New York City. His last employment in the United States was that of box boy from December 1950 to June 1953 at a salary of $47.76. He has no criminal record. His relatives abroad are his father, 2 sisters and 2 brothers, all citizens of Jamaica, British West Indies, all residing there. His assets amount to about $700 in personal effects and furniture in the United States. His debts amount to about $235 for furniture.

Mrs. Mills was educated in New York and Baltimore, Md., and graduated from high school in 1950. She has been employed as a clerk by the Reuben H. Donnelly Co. in New York at a salary of $42 per week. Her assets are personal effects and household furniture.

Mrs. Mills resides with her mother and two children in New York City.

In addition, the Director of the Visa Office, Department of State, submitted the following report on the case dated April 9, 1954:

DEPARTMENT OF STATE,
Washington, April 9, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to your letter of March 30, 1954, and its enclosures, wherein you request a report of the facts in the case of Mr. Edson Rhodes Mills, beneficiary of H. R. 8556, 83d Congress, 2d session.

According to a communication received from the American consulate general at Kingston, Mr. Mills was documented as a farmworker by

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the Jamaican Labor Department in the name of another person, Augustus Brown. On June 16, 1949, he entered the United States at West Palm Beach, Fla., through impersonation, thereby concealing his true identity.

Section 212 (a) (19) of the Immigration and Nationality Act renders ineligible to receive a visa and excludable from the United States any alien who seeks to procure, or has sought to procure, or has procured, a visa or other documentation, or seeks to enter the United States by fraud, or by willfully misrepresenting a material fact. As a consequence, the responsible consular officer would have no choice under the law but to continue to withhold the issuance of an immigrant visa to Mr. Mills.

At this time the Department has no knowledge of any factor in Mr. Mills' case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mr. Mills from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Congressman Adam C. Powell, the author of the bill, submitted the following letter and memorandum in support of the bill:

EDGBOSTON, BIRMINGHAM, *December 20, 1955.*

Congressman ADAM CLAYTON POWELL,
138 West 138th Street, New York, N. Y.

DEAR SIR: I am writing in reference to the congresssional bill (H. R. 8556), which you introduced on March 24, 1954, for the relief of my husband, Edson R. Mills. In my last correspondence with you I was informed that the bill would be reviewed for the next session. Since that time, approximately 6 months ago, I have received no further word concerning it. Please tell me whether the bill has been examined and my husband denied readmission or if it is still waiting to be reviewed.

During the week of September 14, 1954, I filed a reentry admission petition form at the district director's office in New York. It has been well over a year and although I have written them, I have received no acknowledgments. As my Congressman I hope it is within your jurisdiction to investigate the matter and inform me whether the papers were received and what progress, if any, has been made.

I would like to impress upon you the dire circumstances which are involved. Since October 10, 1955, my two small children and I have been in England with my husband, but the climatic and living conditions here are such that we will not be able to remain much longer. It has been over 2 years and 6 months since my husband voluntarily left the United States. I do feel within that length of time my husband should have been forgiven and allowed readmission. Two years and four months' separation from his wife and children is penalty enough for any man's mistake.

I hope that you will be kind enough to do everything in your power to help me have my family reunited again.

Thank you, sir.

I remain,

Yours truly,

MARGARET MILLS.

MEMORANDUM IN SUPPORT OF RESPONDENT, EDSON RHODEN MILLS

The respondent, Edson Rhoden Mills, is 24 years of age and a native of Jamaica, British West Indies. He is legally married to an American citizen and has three American-born children. He has been and is gainfully employed ever since his arrival in the United States in June 1949 and has been a law-abiding citizen. His cooperation with the Immigration Service is unquestioned. His employment and character witnesses attest to his good record. His earning capacity is $48 a week as a factory worker.

In view of the aforesaid facts it is submitted that respondent's application for the privilege of suspension of deportation be granted and his application for an extension of time to remain in the United States be likewise granted.

The undersigned attorney has appeared herein at the request of various mutual friends and without remuneration because said friends vouch for the good conduct and reputation of respondent.

It appears that if respondent were caused to leave the United States, his wife and three small children would unquestionably suffer thereby both financially and morally.

The respondent appeals to the discretion of the committee considering all the facts to grant his application.

The respondent requests permission to appear in person to present his argument.

Respectfully submitted.

HERMAN BROTHERS,
Attorney for Respondent.

The committee, after consideration of all the facts in each case contained in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 590) should be enacted.

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Calendar No. 2149

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2126

CERTAIN ALIENS

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 535]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 535) for the relief of certain aliens, having considered the same, reports favorably thereon with an amendment and recommends that the joint resolution, as amended, do pass.

AMENDMENT

On page 1, lines 4 and 5, strike the following names: "Ezra Chitayat, Violet Chitayat, Georgette Chitayat and Linda Chitayat."

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to grant the status of permanent residence in the United States to 6 aliens. Provision is made for appropriate quota deductions and for the payment of the required visa fees. The joint resolution also provides for the cancellation of outstanding deportation proceedings in behalf of 1 alien and provides that he shall not again be subject to deportation on the basis of the same facts. The joint resolution further permits 1 alien to file an application for an adjustment of his immigration status under section 6 of the Refugee Relief Act of 1953, as amended, notwithstanding the manner of his entry into the United States. The joint resolution has been amended to delete four names which appeared on the resolution as it passed the House of Representatives.

STATEMENT OF FACTS

H. T. 1699

The beneficiary is a 32-year-old native of India and citizen of Great Britain, who last entered the United States on December 16,

1955, as a seaman. In 1944 and 1945, the beneficiary applied for admission to the United States as a visitor to box professionally in the United States, and on both occasions was excluded as a native of a country barred from admission. He first entered the United States on November 14, 1946, by representing himself as a Canadian Indian. On December 26, 1946, he was ordered deported. This order was executed when the beneficiary departed as a seaman. Since that time, the beneficiary has made numerous entries into the United States as a seaman, and is presently engaged in this calling. In 1951, the beneficiary was hospitalized for injuries sustained while boxing. While hospitalized, the beneficiary volunteered to donate the cornea of his right eye to a native-born United States citizen, who was losing his sight. The operation was successful and the man's sight was saved. The beneficiary's eye has been replaced with an artificial one.

A letter, with attached memorandum, dated January 14, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same alien, reads as follows:

JANUARY 14, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 1501) for the relief of Eric Joseph, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee and head tax. It also directs that one number be deducted from the appropriate immigration quota. It should be noted, however, that the Immigration and Nationality Act does not require the payment of head tax. The beneficiary is chargeable to the quota of India.

Sincerely,

ARGYLE R. MACKEY, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ERIC JOSEPH, BENEFICIARY OF H. R. 1501

The beneficiary, Eric Joseph, is presently at sea in pursuit of his calling of seaman and is not expected to return to the United States until February 14, 1954. Information concern- Mr. Joseph was obtained, in part, from sources other than from his service file.

The beneficiary is alleged to be a native of Calcutta, India, and a subject of Great Britain, who was born on December 13, 1923. The records of this Service reflect that he entered the United States as a seaman on April 2, 1953, at Boston, Mass. He was granted the privilege of voluntary departure on May 6, 1953, and departed from New York, N. Y., on the

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steamship *Coe Victory*, May 27, 1953. It has also been alleged that he sailed on the steamship *Fairland* out of San Pedro, Calif., for the Far East on December 19, 1953, and will not return to the United States until February 14, 1954, at New York, N. Y.

Information has also been obtained indicating that the beneficiary had been in the United States as a seaman on occasions prior to his entry on April 2, 1953. It has been alleged that in February 1951 he was a patient at the United States Marine Hospital, Stapleton, N. Y., at which time he received treatment for an injury to his right eye, which he sustained as a professional prizefighter in England. While a patient at the said hospital the beneficiary offered to donate the cornea of his right eye in an experiment to restore the sight of one Philip Torn, an American ex-GI seaman. After 5 weeks of tests the operation was performed with complete success to both patients.

The beneficiary was last reported to be employed as a messman in the steward's department on the steamship *Fairland*, owned by the Waterman Steamship Co., New York City. He earns between $400 and $500 a month. It has also been alleged that the beneficiary has been a member of the Seafarer's International, Brooklyn, N. Y., since 1947.

In addition, the following letter, with attached memorandum, dated April 20, 1956, to the chairman of the Senate Committee on the Judiciary from the Commissioner of Immigration and Naturalization with reference to a bill introduced in the Senate for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 20, 1956.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 3146) for the relief of Eric Joseph, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States as of the date of his last entry into the United States upon payment of the required visa fee. The bill would further authorize and direct the Secretary of State to instruct the proper quota-control officer to deduct one number from the nonpreference category of the first available immigration quota for nationals of Great Britain.

The beneficiary is chargeable to the quota for India.

Sincerely,

J. M. SWING, *Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ERIC JOSEPH, BENEFICIARY OF S. 3146

Eric Joseph, a British subject, also known as Rajah Sabu, Joe Pontiac, or Louis Hall, was born on December 13, 1923, in Calcutta, India. He is a member of the Seafarers International Union, American Federation of Labor, and has been sailing on United States merchant ships as a steward since 1947. He earns approximately $5,000 annually and his assets consist of $7,500 in a savings account. His only close relative is a brother who is a British subject and resides in England.

In 1944 and again in 1945 the beneficiary applied for admission to the United States as a visitor to box professionally in the United States. On both occasions he was excluded as a native of a country geographically barred from admission to the United States. He first entered the United States on November 14, 1946, at Blaine, Wash., by representing himself as a Canadian Indian. A warrant of arrest in deportation proceedings was issued on November 21, 1946, on the ground that at the time of entry he was an immigrant not in possession of a valid immigration visa. He was ordered deported by the Board of Immigration Appeals on December 26, 1946. This order was executed when the alien departed as a member of the crew of the steamship *Nicky* from San Pedro, Calif., on January 12, 1947. Since that time the beneficiary has made numerous entries into the United States as a seaman. He last entered the United States on December 16, 1955, at Tampa, Fla., as a member of the crew of the steamship *Barbara Frietchie*. Because of the need for medical treatment Mr. Joseph was unable to reship within his authorized landing time. He was granted voluntary departure without institution of deportation proceedings. He departed from New York, N. Y., on February 8, 1956, as a member of the crew of the steamship *Steel Surveyor* bound for Beirut, Lebanon.

Mr. Joseph was hospitalized at the United States Public Health Service Hospital on Staten Island in 1951 for treatment of a damaged retina in his right eye. While there he volunteered to donate the cornea of his right eye to one Phil Pron, a native-born United States citizen, who was losing his sight. The operation was successful and Mr. Pron's vision was saved. Mr. Joseph's right eye was replaced with an artificial one.

H. R. 1501, 83d Congress, introduced January 9, 1953, in behalf of Mr. Joseph, was not enacted. He is also the beneficiary of H. R. 1699, 84th Congress, introduced January 6, 1955, and House Joint Resolution 535, 84th Congress, introduced March 7, 1956.

H. R. 2334

The beneficiaries of the bill are mother and son, and they are 39- and 17-year-old natives and citizens of Greece, respectively. They were last admitted to the United States on March 18, 1951, as visitors. Another child, who accompanied his mother and brother

to this country, has since died. The adult beneficiary is divorced and she and the minor beneficiary reside with and are supported by her parents, who are lawful permanent residents of the United States.

A letter, with attached memorandum, dated August 24, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiaries, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., August 24, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your requests of the Department of Justice for reports relative to the bills (H. R. 4256 and H. R. 4346) for the relief of Magda Manoli, and her son, Constantin Phedon Manoli, respectively, there is attached a single memorandum of information concerning both beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Mobile, Ala., office of this Service which has custody of those files.

The bills would grant the aliens the status of permanent residence in the United States upon payment of the required visa fees. The bills also direct that one number be deducted from the appropriate immigration quota for each of the aliens named.

The beneficiaries are chargeable to the quota of Greece.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MAGDA MANOLI, BENEFICIARY OF H. R. 4256, AND CONSTANTIN PHEDON MANOLI, BENEFICIARY OF H. R. 4346

Magda Manoli, also known as Magdalene Manoli, also known as Madga Christos Manoli, also known as Magda Butchikas, also known as Magda Butchikas Manoli, and her son, Constantin Phedon Manoli, also known as Gus Butchikos or Dino Butchikas, are natives of Greece. Mrs. Manoli was born on April 13, 1917. Constantin was born October 7, 1938. Their last residence abroad was 49 Anavrou Street, Volos, Greece. They entered the United States at New York, N. Y., on March 18, 1951, at which time they were admitted as visitors for pleasure. They received extensions of stay up to February 8, 1953. Warrants of deportation are now outstanding against them.

Mrs. Manoli attended school in Greece and claims to have completed the equivalent of the eighth grade. Constantin Phedon Manoli is now a student in the eighth grade of junior high school at Panama City, Fla. Neither of the aliens have been gainfully employed in the United States or abroad. They are now supported by Mrs. Manoli's father and her brother. The brother, Angelos Butchikas, operates

restaurants in Panama City, Fla., and has an alleged income of from $9,000 to $12,000 per year.

Since her entry into the United States Mrs. Manoli has obtained a divorce from her husband, Christos Manoli, who is still residing in Volos, Greece. In addition to their son, Constantin, they have another son, John, who is residing in Greece and who has made efforts to come to the United States as a student. Another son, Georgios, who accompanied Mrs. Manoli to the United States, died in Panama City, Fla., March 13, 1952, and is buried there.

Mrs. Manoli and her son, Constantin, reside with her divorced parents, who are lawful permanent residents of the United States, in a home purchased for the father by her brother, Angelos, as an inducement for the family group to live together.

Congressman Robert L. F. Sikes, the author of the bill, submitted the following letters in support of the bill:

BAY COUNTY HIGH SCHOOL,
Panama City, Fla., January 19, 1956.

To Whom It May Concern:

This is to certify that Mrs. Magda Manoli and her son Constantine have lived in our community for several years and have been exemplary citizens. Constantine has been enrolled in our schools since September 1952 and has been a better than average student in spite of his having to adjust to a new environment. He is popular with his fellow students and his teachers and it is my belief that these two are worthy of every consideration.

Yours very truly,

J. M. JOHNSTON, *Principal.*

ST. ANDREW'S EPISCOPAL CHURCH,
Panama City, Fla., January 18, 1956.

To Whom It May Concern:

This is to certify that I have known Mrs. Magda Manoli and her son Constantine for almost 5 years. They are industrious and good citizens and have taken their place in our community in a very good way. I believe that they will continue to be good citizens and I welcome them as part of my spiritual core. Although they are Greek Orthodox they do look to the Episcopal Church when their own priest is not available.

Since coming to this country Mrs. Manoli lost a son younger than Constantine. The little fellow caught his hand in a meat grinder and died under the anesthetic due to choking on regurgitated food. His body is buried here, which makes the Manolis all the more a part of this country.

I believe the best interests of our community and of these people will be served by permitting them to remain here.

Faithfully,

THOMAS D. BYRNE.

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PANAMA CITY, FLA., *January 17, 1956.*

To Whom It May Concern:

This is to certify that I have known Constantine and Magda Manoli for the past 4 or 5 years and have had many occasions to observe them under many different conditions and situations.

They are people who have taken their place in our community and have led and are leading very exemplary lives. They are hard-working and very considerate people. Their reputation is above reproach and I have never known of them doing anything whatsoever out of the way.

The youngster, Constantine, is attending school regularly and is very popular and well thought of among the many students. Magda is a hard-working person and attends school at night, when possible, so to get a better understanding of our people, our language, and our ways and habits.

I heartily recommend these people and know that they are truly fine people and very deserving of any and every consideration.

I will consider it a personal favor for any consideration shown these people.

Very truly yours,

FRANK M. NELSON, JR., *Mayor.*

PANAMA CITY, FLA., *January 18, 1956.*

To Whom It May Concern:

I have been chief of police in Panama City for the past 20 years and I know Magda Manoli and her son, Constantine Manoli, and have known them for about 4 years. I have had an opportunity to observe her and her son many times and do know to my own knowledge that they are living in our community and are leading a very exemplary life.

Constantine Manoli is attending our local high school and he is very popular. Magda attends school at night and seems to be doing everything possible to learn our language and make a good citizen.

Magda Manoli lost a son in our city back in 1951. I know that it is her desire to remain in Panama City with her son and make this her home.

Any consideration shown these two people will be greatly appreciated.

Respectfully yours,

A. W. MCCALL, *Chief of Police.*

H. R. 2715

The beneficiary is a 38-year old native and citizen of Greece, who last entered the United States on December 10, 1950, as a seaman. He served in the Greek Army and following his discharge, was arrested by the Greek Communists and placed in a concentration camp, from which he later escaped. Information is to the effect that the beneficiary's presence in the United States would be beneficial.

A letter, with attached memorandum, dated May 11, 1955, to the chairman of the Committee on the Judiciary of the House of Repre-

sentatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 11, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to private bill H. R. 2715 for the relief of Panagiotis Roumeliotis, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization files relating to the beneficiary by the Washington, D. C., field office of this Service, which has custody of these files.

The bill would grant the alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota for the first year that such a quota is available.

The beneficiary is chargeable to the quota of Greece.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE PANAGIOTIS ROUMELIOTIS, BENEFICIARY OF H. R. 2715

Panagiotis Roumeliotis, also known as Pete Roumel, a native and citizen of Greece, was born in Mavrata, Cephalonia, Greece, in March 1917. His last residence abroad was Greece. He last entered the United States at New York, N. Y., on December 10, 1950. He was admitted as a seaman and had never received extensions of stay. This is his only entry into the United States. Deportation proceedings have been instituted and he has been found to be deportable on the ground that he was an immigrant at the time of entry not in possession of an immigration visa. A warrant of deportation is outstanding in his case.

Panagiotis Roumeliotis attended school in Cephalonia, Greece, for 8 years. After leaving school, he worked in his father's shop for 4 years. When he reached the age of 21, he entered the Greek Army and served for 4 or 5 years as a soldier. After leaving the Greek Army, he was arrested by the Greek Communists and placed in a concentration camp, from which he later escaped. After his escape, he became a seaman and remained as such until his entry into the United States on December 10, 1950.

Since entry into the United States, he has resided at 124 North Main Street, Bel Air, Md., and Fredericksburg, Va., being employed in restaurant work.

Mr. Panagiotis Roumeliotis is unmarried and no one is dependent on him for support. His parents are residing in Greece and have never been citizens of the United States.

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H. R. 2758

The beneficiary is a 5-year-old native of France, now stateless, who last entered the United States on February 1, 1952, as a visitor, accompanied by her parents who were also admitted as visitors. The beneficiary's parents are natives of Poland and their applications under section 6 of the Refugee Relief Act of 1953, as amended, have been approved and forwarded to the Congress. The beneficiary of the bill is not eligible for such relief inasmuch as she was born in France.

A letter, with attached memorandum, dated May 20, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the bill which, as introduced in the House of Representatives, included the beneficiary's parents, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 20, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 2758) for the relief of Schmerla, Rifka, and Kalman Blady, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the New York, N. Y., office of this Service which has custody of those files.

The bill would grant the beneficiaries the status of permanent residents in the United States upon payment of the required visa fees. It also directs that three numbers be deducted from the appropriate immigration quotas.

Schmerla and Rifka Blady are chargeable to the quota of Poland. Kalman Blady is chargeable to the quota of France.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SCHMERLA, RIFKA, AND KALMAN BLADY, BENEFICIARIES OF H. R. 2758

The beneficiaries, Schmerla, Rifka, and Kalman Blady, are husband, wife, and minor child, respectively. The adult beneficiaries are natives of Poland. The adult male beneficiary was born on May 26, 1918; the female beneficiary was born on April 26, 1921. The minor beneficiary was born on September 7, 1950, in France. All of the beneficiaries are stateless. They reside at 1484 St. Marks Avenue, Brooklyn, N. Y. The adult male beneficiary attended public and rabbinical school in Poland for a total of 15 years. He is presently employed as a knitting-machine operator in New York, N. Y., and averages $70 per week. His assets consist of $1,400 in a savings account and personal effects valued at approximately $1,000. He

has no relatives other than his wife and children. Since their arrival in the United States, a son has been born to the adult beneficiaries.

The female beneficiary attended Hebrew school in Poland for a period of 8 years. She is a housewife. Her father is a resident of France.

The beneficiaries arrived at New York, N. Y., on February 1, 1952, on the steamship *Empress of Scotland*, at which time the adult male beneficiary was admitted as a student, and the female and minor beneficiaries were admitted as visitors. They were all admitted up to August 1, 1952, and failed to receive any extensions of their temporary stay. On January 23, 1953, warrants of arrest in deportation proceedings were issued, charging the adult male beneficiary with being a student who remained for a longer time than permitted, and the female and minor beneficiaries with being visitors who have remained longer than permitted. On March 4, 1953, after being granted a hearing, the beneficiaries were ordered deported. On the same date, warrants of deportation were issued against each of the beneficiaries. On September 22, 1954, the adult beneficiaries made application for displaced persons' status under section 6 of the Refugee Relief Act of 1953. This application was approved by this Service on November 16, 1954, and is presently pending before Congress.

H. R. 3227 was previously introduced on February 18, 1953, in the 83d Congress in behalf of the beneficiaries.

In addition, the Commissioner of Immigration and Naturalization submitted to the Committee on the Judiciary of the House of Representatives the following letter dated November 25, 1955, concerning the beneficiary's parents:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 25, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This refers to the report furnished by this Service to the committee relative to Schmerla, Rifka, and Kalman Blady, beneficiaries of private bill H. R. 2758, 84th Congress.

The names of the adult aliens, Szmerla or Schmerla Blady and Ryfka Blady, also known as Ryfka Larish, also known as Rywka Larisz, appear on Concurrent Resolution No. 167, page 1, lines 5 and 6, which was approved July 30, 1955. Their status will be adjusted to that of permanent residents of the United States under section 6 of the Refugee Relief Act of 1953 upon payment of the required fees.

Upon the adjustment of status of the adult aliens, their minor child, Kalman Blady, who is also one of the beneficiaries, would be eligible for a third preference quota immigrant visa under the French quota, and prima facie eligible for adjustment of his status through preexamination under section 235 (a) of title 8, Code of Federal Regulations.

Sincerely,

J. M. SWING,
Commissioner.

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H. R. 2798

The beneficiary is a 5-year-old native and citizen of Austria, who was adopted in Austria in 1951, by Mr. and Mrs. Frank S. Hoinski, citizens of the United States. The beneficiary was admitted to the United States on February 7, 1953, as a visitor, accompanied by his adoptive parents. Mr. Hoinski was a member of our armed forces from 1941 to 1946, and again from 1948 until February 1953.

A letter, with attached memorandum, dated February 15, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

FEBRUARY 15, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4839) for the relief of the minor child, Alfred Johann Hoinski, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would confer nonquota status upon the alien child by providing that he shall be considered the natural born alien child of United States citizens.

The alien is chargeable to the quota of Austria.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE THE MINOR CHILD, ALFRED JOHANN HOINSKI, BENEFICIARY OF H. R. 4839

The information concerning the beneficiary was furnished by Mr. and Mrs. Frank Stephen Hoinski, who reside at 4905 Coconino Way, San Diego, Calif.

The beneficiary is a native and citizen of Austria. He was born out of wedlock on March 5, 1951, at Wels, Austria, of an Austrian mother and an unknown father. He was adopted by Mr. Frank Stephen Hoinski and his wife, Maxine Elliott Hoinski, at Linz, Austria, on December 12, 1951. He entered the United States with his foster parents at the port of New York on February 7, 1953, and was admitted as a temporary visitor. He has been granted extension of his temporary stay until February 6, 1954. He resides with his foster parents at San Diego, Calif.

Mr. Frank Stephen Hoinski was born on December 3, 1917, at Conshohocken, Pa., on December 3, 1917, and is a citizen of the United States. He was a member of the United States Army from 1941 until March 5, 1946, and again from October 8, 1948, until February 21, 1953. He attained the rank of captain. His last military assignment was as a member of the Military Intelligence at Vienna, Austria. His wife,

Maxine Elliott Hoinski, whom he married at Reno, Nev., on June 17, 1950, is a native-born citizen of the United States, born on January 8, 1918, in LaFayette, Ind. She served as United States Army nurse from June 12, 1942, until January 29, 1946. She was in service overseas from February 7, 1943, until September 29, 1945. She attained the rank of first lieutenant.

Mr. and Mrs. Hoinski have one child of their own, Patricia Ellen Hoinski, who was born on June 5, 1952, at Munich, Germany. Mr. Hoinski is employed as a tool dimaker by the Consolidated Vultee Aircraft Corp. at San Diego, Calif. His salary is approximately $60 per week. He is the sole support of his family.

H. R. 3619

The beneficiary is a 67-year-old native of Turkey and citizen of Greece, who last entered the United States on March 11, 1950, as a visitor. The beneficiary resides with and is supported by her citizen daughter and son in-law. Under the terms of the bill, the beneficiary will be able to remain in the United States with her family without fear of deportation.

A letter, with attached memorandum, dated June 16, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

JUNE 16, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8884) for the relief of Androniki Kalafatides, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass., office of this Service which has custody of these files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fees. It also directs that one number be deducted from the appropriate immigration quota.

The alien is chargeable to the quota of Turkey.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ANDRONIKI KALAFATIDES, BENEFICIARY OF H. R. 8884.

The beneficiary, Androniki Kalafatides, a widow, is a native of Turkey and a citizen of Greece, who was born at Inepolis, Turkey, August 24, 1888. Her only entry to the United States was at New York, N. Y., on March 11, 1950,

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at which time she was admitted as a temporary visitor for pleasure. She last resided abroad in France.

The alien was granted several extensions of her temporary stay, the last of which expired January 3, 1954. A further application for an extension of her temporary stay was denied and she was ordered to depart from the United States by April 1, 1954, and this date of departure was later changed to June 1, 1954.

The beneficiary presently resides with her daughter, Mrs. Amalia Yeannakopoulos, a United States citizen, and her son-in-law, at 8 Dearborn Street, Salem, Mass. She attended four grades in the public school in Inepolis, Turkey. She has never been employed and her assets consist of $1,040 in a savings account, and she has no income. Her daughter and son-in-law, with whom she lives, provide for all her needs. Besides her daughter who lives in the United States, she has two sons and a daughter living in France.

Congressman William H. Bates, the author of the bill, submitted the following statement from the beneficiary of the bill:

BRIEF ON ANDRONIKI KALAFATIDES

Androniki Kalafatides was born on August 8, 1888, in Inepolis, Turkey, of Greek parentage; was married to Joachim Kalafatides in said Inepolis, Turkey, in 1910, said husband was of Greek origin; gave birth to four children on the following dates: Evangelos Kalafatides was born on March 25, 1911, at Zoukouldak, Turkey; Nicholas Kalafatides was born March 14, 1914, at said Zoukouldak; Aphrodite Kalafatides was born October 1, 1912, at said Zoukouldak; and Amalia Kalafatides was born on February 2, 1922, at said Zoukouldak, Turkey.

Androniki Kalafatides' children were married on the following dates:

Evangelos Kalafatides was married in Paris in 1943; at present he has 2 children, aged 6 and 5 years. He lives in Paris.

Nicholas Kalafatides is married, lives in Paris, and has 1 child aged 15 years; marriage took place in Paris.

Aphrodite Kalafatides married her husband, Papazoglou, in October of 1932, in Paris, and has 1 daughter, aged 20 years.

Amalia Kalafatides married Anastas Yeannakopoulos in 1945 in Paris and has 2 children aged 7 and 4 years. They live in Salem, Mass., at present.

Androniki Kalafatides left Inepolis, Turkey, with her husband and children in 1922 and went to Piraeus, Greece, as a refugee and on the occasion of exchange of nationals between Greece and Turkey. The family remained in Piraeus, Greece, until 1930, when they all left for Paris, France, where they resided until March 3, 1950, when Mrs. Androniki Kalafatides departed for the United States as a visitor of her daughter, Amalia Yeannakopoulos, and with whom she is now residing. Androniki Kalafatides became a widow on January 8, 1949. Androniki Kalafatides arrived in New York on March 11, 1950, on the steamship *America*.

Amalia (Kalafatides) Yeannakopoulos departed for the United States and arrived here on April 2, 1946, and lived at Beverly and

Salem, Mass., where she resides with Androniki Kalafatides today. Amalia Yeannakopoulos became a naturalized American citizen on April 14, 1950, having received her naturalization certificate from the superior court clerk sitting at said Salem.

Androniki Kalafatides resided with her son Evangelos Kalafatides in Paris prior to her departure to the United States. Due to changed home conditions, the latter has informed his mother that he cannot accommodate her at his home should she be forced to return to France.

The visa issued by the French authorities to said Androniki Kalafatides has expired and it will be necessary to request a new visa.

Androniki Kalafatides has no relatives or acquaintances in Greece and if she is ordered deported to Greece she will be going to a place where she will be a complete stranger; the same holds true if she is deported to Turkey, because of the forced repatriation of Greeks in 1922 which resulted in her becoming a refugee in the first instance.

Androniki Kalafatides lives with her daughter Amalia Yeannakopoulos and her son-in-law Anastas Yeannakopoulos, an American citizen and a veteran of World War II. They both want to care for Androniki Kalafatides at their home here in Salem, Mass.

Androniki Kalafatides has received extensions of her visitor's visa which expired June 1, 1954, on or before which date she must leave the United States unless a further extension is ordered. She is entitled to a preferential visa to remain in this country but cannot be allotted one until such time as a visa is available and there is no assurance that one will be available in the foreseeable future. Her application for a preferential visa was filed in May of 1951 with the United States consular office at Montreal, Canada. The only way she may remain in this country legally is to get relief through a private bill of Congress legalizing her entry and stay here. To this end H. R. 8884 was introduced by our Congressman, Hon. William H. Bates.

ANDRONIKI KALAFATIDES.

MAY 6, 1954.

COMMONWEALTH OF MASSACHUSETTS,
Essex, ss:

Personally appeared before me, Androniki Kal Kalafatides, known to me to be the person referred to above and in the preceding two pages who signed her name above in the Greek language and made oath that every statement in this brief was read and explained to her, that she understood same and that it is true in all respects. Before me,

[SEAL] THOMAS A. JOHNSON, *Notary Public.*

My commission expires June 30, 1955.

I, Thomas A. Johnson, a special justice of the Third District Court of Essex and notary public, hereby certify that I translated the above brief to Mrs. Androniki Kalafatides and that she stated to me that it was true in all respects and that same was as she related the facts to me.

THOMAS A. JOHNSON.

AMALIA YEANNAKOPOULOS.
ANASTAS YEANNAKOPOULOS.

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H. R. 2722

The beneficiary is a 51-year-old native of what is now Yugoslavia who claims to be stateless. He last entered the United States on January 22, 1948, as a stowaway. Following World War I, the beneficiary became an Italian subject through the peace treaty which made his Province of Austria a part of Italy. At the time of Italy's capitulation in 1943, he was serving in the Italian merchant marine. His ship, which was in the port of Bordeaux, was seized by the Germans. He refused their orders and was sent to a concentration camp where he spent 21 months until liberated in 1945. During 1946 and 1947, he was employed by the allied occupation forces. The beneficiary states that he faces immediate imprisonment if returned to his native land. He has been unable to adjust his status under section 4 of the Displaced Persons Act or section 6 of the Refugee Relief Act inasmuch as he did not effect a lawful entry. Upon enactment of the bill, the beneficiary will be in a position to file an application under the Refugee Relief Act for an adjustment of his status notwithstanding the manner of his entry. The beneficiary is employed as a construction laborer and resides with his brother, who is a United States citizen. He also has a sister who is a citizen of this country.

A letter, with attached memorandum, dated April 22, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 22, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 2722) for the relief of Dominick Lechich, there is annexed a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the beneficiary the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Yugoslavia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DOMINICK LECHICH, BENEFICIARY OF H. R. 2722

The beneficiary, Dominick Lechich, was born on January 8, 1905, in Nerezine, Province of Pola, Austria, now Yugoslavia. He claims to be stateless. The alien is single and resides at 2404 24th Avenue, Astoria, Long Island, N. Y. He

attended public and trade school in his native town, and is presently employed as a construction laborer in New York City. He earns approximately $90 per week. His assets consist of $4,000 in a savings account, personal property valued at approximately $1,000, and a 1953 Ford automobile, worth about $1,000. His brother and sister are United States citizens. His closest relatives abroad are his mother and brother, who reside in his native town.

The beneficiary last arrived in the United States on January 22, 1948, as a stowaway on the steamship *Sobieski*. Deportation proceedings were instituted against him on February 11, 1952, and he was subsequently found deportable on the grounds that he was a stowaway and had no visa at the time of his entry. He was granted the privilege of voluntary departure, with the alternative of deportation, if he failed to depart. The alien was given to December 4, 1952, in which to effect his departure. On December 5, 1952, an order of deportation was entered, inasmuch as he failed to depart. The beneficiary's application for status under section 4 of the Displaced Persons Act of 1948, as amended, was previously denied on July 30, 1953, because he did not have a lawful entry.

Mr. Lechich was in the Italian Navy from 1925 to 1927. From about October 1943 up to about May 1945 he was interned in France by the Germans and then returned to his native town. He stated that he was employed by the Allied Occupation Forces during 1946 and 1947.

The alien was previously the beneficiary of H. R. 5519 in the 83d Congress.

Congressman Paul A. Fino, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

Mr. Chairman and members of the subcommittee, thank you for giving me this opportunity to speak to you on behalf of Mr. Dominick Lechich, for whom I introduced H. R. 2722.

Dominick Julius Lechich is a 48-year-old native of a part of Austria which now belongs to Yugoslavia. He is of Italian descent, but a citizen of Yugoslavia. He last entered the United States on January 22, 1948, at New York as a stowaway aboard the Polish steamship *Sobeski*, having been here previously for a short time at San Pedro, Calif., in April 1933.

After World War I, Mr. Lechich became an Italian subject through the peace treaty which made his province of Austria a part of Italy. From that time and during World War II he was in the Italian merchant marine sailing from the port of Trieste. At the time of Italy's capitulation in 1943 he was at Bordeaux, France. The ships in port were seized by the Germans and personnel was placed under their control. Since he refused their orders, Lechich was imprisoned, and sent to a German camp, where he remained 21 months, until liberated by the American Army. Following liberation, he he made his way home with great difficulty, only to find his birthplace under Communist Yugoslavia rule.

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Since Communist doctrines, beliefs, and way of life are directly opposed to his own, Mr. Lechich escaped into Trieste. He could not find work, and received a pass from allied authorities to enter Italy and seek shelter in a refugee camp. He remained there for a time, and then made attempts again to earn a living, without success. While in Genoa, in search of employment, he found the ship *Sobieski* under Italian management in port, and managed to obtain employment on that ship. He arrived in New York aboard that ship on January 22, 1948, as previously stated. He went to live with his brother, Anthony Lechich, and his sister, Mrs. Mary Pinezich, both American citizens living in New York City. They helped him financially and encouraged him to remain with the hope that he would be accepted as a displaced person.

Mr. Lechich's application for adjustment of his immigration status under the Displaced Persons Act of 1948, as amended, was denied by the Immigration and Naturalization Service in July 1953, for the reason that he entered this country as a stowaway.

We also tried to have Mr. Lechich's case considered under section 6 of the Refugee Relief Act of 1953, the section which permits applications for adjustment of status to be filed by refugees who had entered the United States after the occurrence of events which caused them to have fear of persecution from the countries from which they came. The Immigration and Naturalization Service held that since a prerequisite to adjustment of status is a legal entry as in the Displaced Persons Act, Mr. Lechich is not eligible to adjust his immigration status under the Refugee Relief Act.

Mr. Lechich states that if he should be returned to his native land, he faces immediate imprisonment for his escape into Trieste. His brother, Dorotheo, and his first cousin, Domenico Vamali, were imprisoned by the Communists. His brother was eventually released and kept under surveillance. His cousin, leaving a wife and four children, was never heard from again. In not accepting Communist doctrine, Mr. Lechich fears for his life. The National Catholic Welfare Council has been interested in this case and, in May of 1953, Mr. Bruce Mohler, director of the council's department of immigration, informed me that although Mr. Lechich is a citizen of Yugoslavia, the consulate in New York has refused a passport, and similar refusal was given by the Italian consul that he is not a citizen of Italy. Thus, while Mr. Lechich will eventually be subject to deportation, if relief for him is not forthcoming, it is difficult to know where he could be sent.

Meanwhile, Mr. Lechich continues to live with his American citizen brother, Anthony, in Bronx, N. Y. For 5 years he has been continuously employed as a laborer, living happily, and contributing with his brother and sister in this country, to the support of relatives still in his native town.

In view of Mr. Lechich's belief that he will undergo imprisonment, persecution, and possible death, if forced to re-

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turn to his native land, and his good character and exemplary life during the years he has been in the United States, I hope it will be possible for you to approve H. R. 2722.

Thank you.

There has been introduced in the Senate S. 3146, a bill for the relief of Eric Joseph. Inasmuch as Mr. Joseph's name is included in the instant joint resolution, the bill, S. 3146, will be indefinitely postponed.

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 535), as amended, should be enacted.

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Calendar No. 2150

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2127

FACILITATING THE ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 555]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 555) to facilitate the admission into the United States of certain aliens, having considered the same, reports favorably hereon with an amendment and recommends that the joint resolution, as amended, do pass.

AMENDMENT

On pages 1 and 2, strike section 1 of the joint resolution.

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to grant to five minor children adopted or to be adopted by citizens of the United States the status of nonquota immigrants which is the status normally enjoyed by the alien minor children of United States citizens. The joint resolution also provides for the readmission into the United States of a former naturalized citizen who expatriated himself by prolonged residence abroad as a returning resident alien. The joint resolution has been amended to delete one case on which the committee has requested further information.

STATEMENT OF FACTS

H. R. 1186

The beneficiaries are 10- and 8-year-old natives and citizens of Yugoslavia, respectively, who presently reside in Yugoslavia. They are to be adopted by Mr. and Mrs. Mike Radich, who are citizens of the United States. Mr. Radich is the uncle of the beneficiaries. The natural parents of the beneficiaries have no objection to the beneficiaries being adopted by Mr. and Mrs. Radich.

A letter, with attached memorandum, dated July 8, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiaries, reads as follows:

JULY 8, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7936) for the relief of Marko and Irene Radic, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien children pursuant to section 101 (a) (27) (A) of the Immigration and Nationality Act, by providing that the children be considered the natural-born children of United States citizens.

As quota immigrants the children would be chargeable to the quota of Yugoslavia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARKO AND IRENE RADIC, BENEFICIARIES OF H. R. 7936

Both beneficiaries are residing abroad. Mr. Mike Radich, uncle of the beneficiaries and sponsor of this legislation, has furnished the following information:

Marko Radic, age 8, and Irene Radic, age 6, are natives and citizens of Yugoslavia. They are the natural children of two brothers of Mr. Radich, and have never lived in the United States. Marko Radic resides with his parents, 1 older brother, and 3 older sisters. Irene Radic resides with her parents, 4 older brothers, and 1 older sister. Families of each beneficiary are citizens of Yugoslavia and live in the village of Drinovci, Hercegovina, Yugoslavia. The fathers of both beneficiares are peasant farmers.

The sponsors of this legislation are husband and wife. Mrs. Irene Courtway Radich, age 49, is a native-born United States citizen. Mr. Mike Radich, also known as Marko Radic, is a native of Yugoslavia, age 58, a naturalized United States citizen since 1942, a resident of the United

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States since 1912, and the owner of a contracting firm in California for the past 22 years. Mr. Radich was previously married in 1924 and widowed in 1942. No children were born of either marriage. Mrs. Radich has two older brothers living in the United States. Mr. Radich has 4 brothers and 3 sisters living in Yugoslavia. Parents of both sponsors are deceased.

Mr. and Mrs. Radich's only source of income is derived from the operation of the firm of Radich & Fergusson and real-estate holdings, all in California. Their average adjusted gross income from all sources is approximately $26,000 per annum and their net worth is about $700,000. The sponsors live alone in a 20-room home in an exclusive residential district of Los Angeles, Calif. They have no other dependents other than frequent remittances to the relatives of Mr. Radich and various philanthropic causes. The natural parents of the beneficiaries are reported to have no objection to their legal adoption by the sponsors.

The following additional report dated June 14, 1955, was submitted to the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 14, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This refers to the report furnished by this Service to the committee on July 8, 1954, relative to Marko and Irene Radic, beneficiaries of private bill H. R. 7936, 83d Congress, and their sponsors, Mr. Mike Radich and Mrs. Irene Courtway Radich, now beneficiaries and sponsors, respectively, under private bill H. R. 1186. The following additional information is submitted concerning the sponsor, Mike Radich:

Mr. Radich was questioned by an officer of this Service concerning the purchase of surplus equipment from the United States Government through the use of an agent acting for him and using an eligibility certificate which restricted the purchaser of record to use of the equipment for his own firm.

Concerning this transaction Mr. Radich stated that on September 30, 1946, he purchased a used tractor from one Edward Beaver, an employee of Mr. Radich's contracting firm. Mr. Radich exhibited an invoice showing its purchase by Mr. Beaver from the War Material Command in San Bernardino, Calif., for $3,980, and a week later its resale to Radich & Co. at the same price. Mr. Beaver is still employed by Mr. Radich's firm. Mr. Radich further stated that he was not aware that the sale was conditioned on Mr. Beaver's representation to the seller that the equipment was to be used by him only in his own business, and that he was unable at that time to purchase similar equipment for the price paid.

When questioned by a representative of this Service, Mr. Beaver stated that he borrowed the money with which to purchase the aforementioned equipment from Mr. Fergusson, of the contracting firm

of Radich & Fergusson. It was his intention at that time to use the equipment in connection with the operation of a contracting business which he proposed to found in company with a former employer. The new concern failed to materialize, and Mr. Beaver delivered the equipment to Radich & Fergusson, considering the equipment to be adequate security for the loan. Mr. Beaver stated that there was no criminal intent on the part of anyone concerned to defraud the Government, and pointed out that he could have held title to the equipment and leased it to the company if he had intended to commit a crime. Both Mr. Radich and Mr. Beaver stated that they had not previously been questioned by anyone concerning the transaction.

Mr. Radich was also questioned concerning his posting a considerable part of the bond furnished by Andrija Artukovic in obtaining release from custody at Los Angeles, Calif. The Yugoslavian Government has instituted extradition proceedings in the Federal courts at Los Angeles, which have been pending since 1951, on a charge of mass murders committted in violation of the criminal law of Yugoslavia under his direction while he was an official of the government of the independent state of Crotia during 1941 and 1942. For information concerning Artukovic you are referred to the report of this Service in connection with H. R. 2789, 84th Congress.

Mr. Radich stated that he originally posted $5,000 of a $50,000 bond on behalf of Mr. Artukovic and subsequently, upon the death of another bondsman, had contributed an additional $10,000 to the bond. His money has since been returned to him and he stated that he now has no financial interest in the case.

Mr. Radich was questioned with reference to an application for a visa which he made to the Yugoslavian Government and which was denied because of his interest in the Artukovic case. He stated that he made an application for a visa at the Yugoslavian consulate in San Francisco in 1951. The consulate refused to issue the visa unless he withdrew as a bondsman in the Artukovic case. The visa was subsequently issued. Mr Radich stated that he never represented to the Yugoslavian consul at any time that he considered compliance with the conditions set for issuance of a visa.

Mr. Radich was also questioned regarding a substantial contribution he made to the Hercegovacki Committee of California. Information available to this Service indicates that the Hercegovacki Committee of California was located at 3221 Eagle Street, Los Angeles, Calif. The 1947 letterhead of the committee stated that it was affiliated with the American Committee for Yugoslav Relief, Inc., an organization which was cited as subversive and Communist by Attorney General Tom Clark on June 1, and September 21, 1948. The letterhead carried a slogan reading "Help Buy a Children's Clinic for Hercegovina."

Mr. Radich stated that he had been approached several years ago by an organization which represented that it was collecting funds for the purpose of erecting a children's hospital in Yugoslavia. He contributed the sum of $1,000, and later, during July 1946, he donated an additional $100. He stated that he was later told by friends and family in Yugoslavia that the intended beneficiaries had received none of the money thus raised, and that he had unwittingly contributed to the Tito regime in Yugoslavia.

Sincerely,

J. M. SWING, *Commissioner.*

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Congressman Glenard P. Lipscomb, the author of the bill, submitted the following letter in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 20, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: I am writing with regard to my private bill, H. R. 1186, reintroduced on January 5, 1955, for the relief of Marko and Irene Radic.

Mr. and Mrs. Michael Radich, 4830 Los Feliz Boulevard, Los Angeles, Calif., desire to adopt Marko and Irene Radic, the minor children of two of Mr. Radich's brothers. Marko was born in June 1947, and his parents are Ivan Radic (father), born June 1904 and Janja Majic Radic (mother), born 1911. The parents of Irene Radic are Nikola Radic (father), born 1906, and Iva Tomas Radic (mother), born 1909. Irene Radic was born February 17, 1949. The parents and children were born in the same vicinity and still reside there. Their present address is Kotar Ljubuski, Z. P. Drinovci, Hercegovina, Yugoslavia.

Marko and Irene Radic are registered as of July 3, 1952, on the nonpreference portion of the Yugoslav quota. I have introduced this private bill because of the very heavily oversubscribed Yugoslav quota waiting list, and it would take several years to bring the children to the United States under regular procedures.

Mr. Radich has four brothers with large families in Yugoslavia and each family has one room in which to eat, sleep, and live. From the conditions described in the Radich's letters, it would appear that the children do not have enough food, clothing, etc. Mr. and Mrs. Radich went to Yugoslavia in 1952, and after much difficulty, were able to visit their relatives. The parents of Marko and Irene Radic are desirous of having their children adopted and brought to the United States so they may be given the advantages offered to Mr. and Mrs. Radich. A financial statement has been included in the file and shows Mr. Radich's present assets to be approximately $478,000.

From the letters in my file, it would seem that Mr. Radich is held in high regard by his church, neighbors, and others, and during World War II, was awarded a Government medal for high efficiency, honesty, and integrity in the building of airports, ammunition dumps, and supply depots. He has been a contractor in Los Angeles for 35 years and his present business address is 3000 Empire, Burbank, Calif., known as Radich & Fergusson, Inc.

I would appreciate your requesting a report on Marko and Irene Radic from the Department of State, even though the necessity for a second report has not been established.

Sincerely yours,

GLENDARD P. LIPSCOMB,
Member of Congress.

H. R. 1210

The beneficiary is a 30-year-old native and citizen of China, who was admitted to the United States on August 28, 1941, as the son of a merchant. He entered the United States Army on September 25, 1944, and was naturalized a United States citizen on December 6, 1944. He was honorably discharged from the Army in 1946. In

1947, he returned to Hong Kong. In 1951 his application for a United States passport was denied inasmuch as the beneficiary had expatriated himself by residing in the place of his birth for more than 3 years. The beneficiary's father and sister are United States citizens. His mother resides in Hong Kong.

A letter, with attached memorandum, dated August 20, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

AUGUST 20, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7359) for the relief of Stephen Moe Jung, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill is intended to confer the status of returning resident alien upon the beneficiary for the purposes of section 101 (a) (27) (B) of the Immigration and Nationality Act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE STEPHEN MOE JUNG, BENEFICIARY OF H. R. 7359

The beneficiary is residing abroad. The following information was obtained in part from Mr. Hing Guoon Jung, Los Angeles, Calif., who is the father of the beneficiary and sponsor of the bill in his behalf.

Stephen Moe Jung, also known as Jung Moe You, is a native and citizen of China, born at Hong Kong, British Crown Colony, June 26, 1925, and is presently residing in Hong Kong. He was admitted to the United States on August 28, 1941, at San Francisco, Calif., as the son of a merchant. He entered the United States Army on September 25, 1944, and was naturalized a United States citizen on December 6, 1944. He was honorably discharged from the United States Army in 1946 and in May 1947 he returned to Hong Kong, British Crown Colony. In 1951 he applied for a passport as a United States citizen at the American consulate in Hong Kong. His application was denied and the American consul ruled on June 8, 1951, that he had expatriated himself under the provisions of section 404 (b) of the Nationality Act of 1940, to wit: Continuously residing in Hong Kong, the place of his birth, for a period in excess of 3 years.

The beneficiary's father testified that the beneficiary obtained a high-school education in Hong Kong and while

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in the United States attended the Curtiss-Wright Aeronautical Institute for 1 year and the California Institute of Technology for 2 years. The father further testified that the beneficiary was married to Nancy Eu in Hong Kong on an unknown date but is presently separated from her. A daughter, Linda Jung, was born of this marriage at Hong Kong, date unknown, and is presently residing with the beneficiary in that city. According to the father's testimony, the beneficiary, since residing in Hong Kong has engaged in the export and import business. The father could furnish no definite information concerning the financial status of the beneficiary.

The beneficiary's father is a naturalized United States citizen and his mother, Sun Ying, is a native and citizen of China and is presently residing in Hong Kong. Other than his father the beneficiary has the following relatives residing in the United States: One sister and two uncles, all of whom are United States citizens, and a brother and paternal grandmother who are citizens of China. In addition to his mother and daughter residing abroad the beneficiary has a United States citizen aunt residing in French Indochina and an uncle residing in Hong Kong who is a citizen of China.

The Director of the Visa Office, Department of State, also submitted the following report on the case dated February 18, 1954:

DEPARTMENT OF STATE,
Washington, February 18, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to your letter of January 22, 1954, and its enclosures, wherein you requested a report of the facts in the case of Stephen Moe Jung, beneficiary of H. R. 7359, 83d Congress, 2d session. Reference is also made to the Department's interim reply of January 26, 1954.

According to information contained in a report dated January 21, 1954, from the American consulate general at Hong Kong, Stephen Moe Jung, a former naturalized citizen of the United States who expatriated himself under the provisions of section 404 (b) of the Nationality Act of 1940, as amended, was informally refused a nonimmigrant visa with which he desired to apply for temporary admission into the United States to attend a religious conference. The foregoing report further indicates that the visa was refused on the grounds that Mr. Jung failed to establish to the satisfaction of the consular officer that he is a bona fide nonimmigrant. The above-mentioned report does not show that Mr. Jung applied for an immigrant visa as a returning resident alien under section 101 (a) (27) (B) of the Immigration and Nationality Act, but in view of the circumstances in the case he would not appear to be eligible to receive such a visa.

The Chinese quota, to which Mr. Jung is chargeable, is heavily oversubscribed, and it is anticipated that Mr. Jung would encounter a protracted period of waiting before a quota number could be allotted for his use.

At this time the Department has no information concerning Mr. Jung's eligibility to receive an immigrant visa under the nonpreference portion of the Chinese quota.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Acting Secretary of State).

H. R. 2740

The beneficiaries are 13- and 11-year-old sisters, natives and citizens of Yugoslavia, who presently reside in that country. They have been adopted by Mrs. Helen Kovacevich, their aunt, who is a citizen of the United States. Mrs. Kovacevich is a widow and is financially able to provide the beneficiaries support.

A letter, with attached memorandum, dated July 19, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiaries, reads as follows:

JULY 19, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8060) for the relief of Kate Fiorovic and Pave Fiorovic, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiaries by the San Francisco, Calif., office, which has custody of that file.

The bill is intended to confer nonquota status upon the alien children pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the children shall be considered the natural-born alien children of a United States citizen.

As quota immigrants, the children would be chargeable to the quota of Yugoslavia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILE CONCERNING KATE FIOROVIC AND PAVE FIOROVIC, BENEFICIARIES OF PRIVATE BILL H. R. 8060

The beneficiaries, Kate and Pave Fiorovic, are children, natives and citizens of Yugoslavia, born February 22, 1942, and February 3, 1945, at Vodovada, Yugoslavia. They have never been in the United States. They reside with their parents at Vodovada, Dubrovnik, Yugoslavia. Information concerning them was furnished by the sponsor, Mrs. Pauline Scurich, Watsonville, Calif., and her sister, Mrs. Helen Kovacevich, of Jackson, Calif.

These two beneficiaries are living with their parents, Andro and Luce Fiorovic, in Yugoslavia. Altogether, there are five young daughters in the family and their father finds

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it difficult to properly support and educate all of them. It is said that their education in Yugoslavia may not continue beyond the sixth grade of grammar school because of the economic situation. Both the sponsor and her sister, Mrs. Helen Kovacevich, are well able financially to raise their brother's two daughters in this country. Mr. and Mrs. Scurich estimate their property at a value of $100,000. Mr. Scurich has been in the insurance business in Watsonville since 1924, and they own considerable property in Santa Cruz County, Calif. Both have excellent reputations in their community. Mrs. Scurich states that it is desired to have these two young girls come to the United States and live with Mrs. Kovacevich because she is a widow and her only child is an adult. They are willing to cooperate fully in this endeavor.

Mrs. Helen Kovacevich, like her sister, Mrs. Scurich, is a naturalized citizen of the United States. Her husband died in 1952, since which time Mrs. Kovacevich has operated a boarding house and restaurant in Jackson, Calif. They have lived in that community for many years. Mrs. Kovacevich has assets which include a duplex apartment building in Sacramento, which returns $150 per month rental; a coal mine leased for $1,200 per annum, plus royalties; 365 acres of pastureland, now rented at $950 per annum; rental from a house of $30 per month; a prune orchard; 35 head of cattle; approximately $22,000 in cash; 56 acres of pastureland, with a sprinkling system, which cost about $9,000; a 1952 model Chevrolet pickup truck; a 1937 Chrysler sedan; and the boardinghouse business, where she also serves Sunday dinners to the public. From the foregoing, it will be seen that she is well fixed financially. She enjoys an excellent reputation in the community, where she has resided for many years.

The Director of the Visa Office, Department of State, also submitted the following report on the case, dated March 30, 1954:

DEPARTMENT OF STATE,
Washington, March 30, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to your letter of February 26, 1954, and its enclosures, wherein you request a report of the facts in the cases of Kate Fiorovic and Pave Fiorovic, beneficiaries of H. R. 8060, 83d Congress, 2d session.

A communication from the American Embassy at Belgrade indicates that an application for the registration of the two aforementioned children as intending immigrants was received on July 3, 1953. In view of the very heavily oversubscribed condition of the Yugoslav quota, a protracted delay of indefinite duration is to be anticipated before numbers from the quota will become available for their use.

At this time, the Department has no information from which it can be ascertained whether the children in question would be otherwise

eligible to receive immigrant visas under the immigration laws and regulations.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Congressman Charles S. Gubser, the author of the bill, submitted the following document in support of the bill:

[Translation from Serbo-Croatian]

FEDERATIVE PEOPLE'S REPUBLIC OF YUGOSLAVIA, PEOPLE'S REPUBLIC OF CROATIA, PEOPLE'S COMMITTEE OF THE DISTRICT OF DUBROVNIK, SECTION FOR PUBLIC HEALTH AND SOCIAL POLITICS, No. 2144/55

Minutes of April 8, 1955, made in the People's Committee of the District of Dubrovnik in the matter of adoption of the infants Kate and Pave Fjorovic, daughters of Andro of Vodovadje by Kovacevic Helen, widow of Pavo, née Fjorovic of Vodovadje near Dubrovnik, domiciled at Jackson, Calif.

Present on the part of the office: Baca Ivo, chief of the Section for Public Health and Social Politics; reporter Ive Tomislav, employee of the office of guardianship and protection of children.

Parties: For the adopting parent, Kovacevic Helen, widow of Pavo, née Fjorovic, daughter of the late Pavo of Jackson, Calif., her representative Dr. Podic, Mato, attorney at law of Dubrovnik, on the ground of the power of attorney issued in Jackson, Calif., on April 9, 1954, certified on April 19, 1954, under L. No. 1711 by the consulate general of the Federative People's Republic of Yugoslavia in San Francisco,

Adopted children's father: Fjorovic Andro, son of the late Pavo, farmer of Vodovodja.

Adopted children's mother: Fjorovic Luce, wife of Andro, née Zglav, daughter of the late Niko, housewife of Vodovodja.

Adopted children: Fjorovic Kate, daughter of Andro and Fjorovic Pave, daughter of Andro of Vodovodja.

The chief of the section for Public Health and Social Politics of the People's Committee of the District of Dubrovnik has established that all persons summoned for the hearing and whose attendance is necessary by law, are present, with the exception of the adopting parent Kovacevic Helen, widow of Pavo, of Jackson, Calif., for whom appeared her representative Podic Dr. Mato, attorney at law, of Dubrovnik, who, on the ground of the above-mentioned power of attorney and the approval of the Council for Public Health and Social Politics of the Cabinet of the People's Republic of Croatia of March 6, 1955, No. 7108–II–1–1955, has the authority to make binding statements on this subject matter in the name of the adopted parent Kovacevic Helen.

The chief of the section explains to the summoned persons the subject matter (of the hearing); (after that) he reads the application and calls the representative of the adopting parent to have his statement recorded.

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After that, the adopting parent, through the representative, made the following statement: I, Podic Dr. Mato, son of the late Baldo, attorney at law of Dubrovnik in the name of Kovacevic Helen, widow of Pavo, née Fjorovic, daughter of the late Pavo, of Jackson, Calif., as her representative, do state that the same Kovacevic Helen, widow of Pavo, born on September 13, 1911, at Vodovadja, domiciled at Jackson, Calif., by profession, a restaurateur, does adopt the infants Fjorovic Kate, daughter of Andro and Fjorovic Pave, daughter of Andro, daughters of Fjorovic Andro, father of the late Pavo and Fjorovic Luce, mother, Andro's wife, née Zglav, daughter of the late Niko, so that the adopted children do retain their family name and also do take the family name of the adopting parent, i. e., to their family name they shall add the family name "Kovacevic"; that the adopted children by the present adoption do acquire all rights of inheritance after the death of the adopting parent as if they were her true daughters. The chief of the section calls the parents of the infants Kate and Pave Fjorovic, daughters of Andro, to make their statement concerning the adoption. After that they do state:

"I, Fjorovic Andro, son of the late Pavo, father, and I, Fjorovic Luce, Andro's wife, née Zglav, mother of the infants Kate and Pave Fjorovic, Andro's daughters, do agree that Kovacevic Helen, widow of Pavo, née Fjorovic, may adopt our infant daughters, Kate and Pave Fjorovic, Andro's daughters and that these our children in addition to their family name do add the family name of the adopting parent, i. e., Kovacevic, and concerning the right of inheritance that these our daughters by the present adoption do acquire all rights of inheritance from the adopting parent Kovacevic Helen, née Fjorovic."

The chief of the section calls the infants Kate and Pave Fjorovic, Andro's daughters, being over 10 years of age, to make their statement concerning the adoption. After that they do state:

"I, Kate Fjorovic, born on February 9, 1942, and I, Pave Fjorovic, born on January 7, 1945, both daughters of Fjorovic Andro, father of the late Pavo, and Fjorovic Luce, mother, Andro's wife, née Zglav, do state that we fully do agree with the statement made by the adopting parent concerning our adoption."

After that, the chief of the section reads the pertinent sections of the Law on Adoption of April 1, 1947, concerning rights and duties of the adopting parents and adopted children.

The chief of the Section, after inspection of the file and the establishing of facts, finds that the adopted children are infants, that the adopting parent is older than the adopted children by more than 18 years, that the adopted children, being over 10 years of age, did agree to be adopted, that both parents did consent (to the adoption), and that they themselves are neither deprived of their paternal rights nor incapable of expressing their will, that only one adopting

parent does adopt, that the consent of the other spouse is not necessary because he died in 1952 (?), and that the adopting parent herself is neither deprived of her parental rights nor incapable of expressing her will, that the adopted children do not descend in the direct line from the adopting parent, that they are neither brother nor sisters, and that there is no circumstance which would constitute a bar by law preventing the adoption by the adopting parent. Therefore, all requirements provided for by law concerning adoption, are fulfilled.

Finally, the chief of the Section establishes that the adoption is useful for both adopted children because they have the opportunity to improve in all respects, professionally, morally, and socially through the adopting parent, whose way of life (and conduct) up to now has been correct in all respects. On the other hand, their parents, having five children, all daughters, are not able to offer what is necessary for their proper education as it will be offered to them by the adopting parent.

There being no objections by either party to the abovementioned (facts), the chief of the Section does state that the adoption is executed.

Read and signed:

Podic, Dr. Mato, attorney at law, of Dubrovnik, as representative of the adopting parent Kovacevic Helen, widow of Pavo, née Fjorovic.

Dr. MATO PODIC.

Adopted children's father, Fjorovic Andro, son of the late Pavo.

FJOROVIC ANDRO.

Adopted children's mother, Fjorovic Luce, wife of Andro, née Zglav.

FJOROVIC LUCE.

Adopted child, Fjorovic Kate, daughter of Andro.

FJOROVIC KATE.

Adopted child, Fjorovic Pave, daughter of Andro.

FJOROVIC PAVE.

BACA IVO,
Chief of the Section for Public Health and Social Politics.

IVE TOMISLAV, *Reporter.*

[Seal of the People's Committee of the District of Dubrovnik, People's Republic of Croatia]

Translated by Dr. Fran Gjupanovich, legal analyst, Foreign Law Section, Law Library, Library of Congress, Washington, D. C., June 15, 1955.

H. R. 5763

The beneficiary is a 12-year-old native and citizen of Japan who presently resides in that country. On March 31, 1950, he was adopted by Kinu Suzuki, who had had custody of the beneficiary since he was an infant. The beneficiary's adoptive mother was married on November 17, 1953, in Japan to Sgt. Jack Whipple, a United States

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citizen and member of our Armed Forces. Sergeant Whipple has adopted the beneficiary under Japanese law.

A letter dated November 4, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 4, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This refers to the report furnished by this Service to the committee on July 9, 1954, relative to Toyoji (Suzuki) Whipple, beneficiary of private bill H. R. 8733, 83d Congress. This person is now the beneficiary of private bill H. R. 5763, 84th Congress.

Since submitting the report of July 9, 1954, the following additional information has been received concerning the beneficiary and the interested parties in this case:

The beneficiary is a 12-year-old child, a native and citizen of Japan, who was born on April 15, 1943, in Kami Meguro, Meguro Ku, Tokyo, Japan. He has never been in the United States. His natural father is deceased. He resides with his mother, Mrs. Kinu Suzuki Whipple, and his adoptive father, Sgt. Jack Whipple, at Grants Heights, Tokyo, Japan.

The beneficiary's mother, Mrs. Kinu Suzuki Whipple, a native and citizen of Japan, was born on November 17, 1917, at Kizuki, Kawasaki City, Japan. She has been married on two occasions. Her first marriage was to the beneficiary's father. He was killed during World War II. She next married her present husband, Sgt. Jack Whipple, on November 17, 1953, in Tokyo, Japan. Sergeant Whipple is a citizen of the United States. He was born on February 22, 1923, at Santa Cruz, Calif. Sergeant Whipple has been married on two occasions. His first marriage was terminated by divorce in April of 1953. Sergeant Whipple has been in the United States Army since November 1942. His income is $3,900 a year. Sergeant Whipple indicates he adopted the beneficiary in Japan. However, no documents concerning such adoption have been furnished to this Service.

The committee may wish to direct a request to the Bureau of Security and Consular Affairs of the Department of State for additional information concerning the beneficiary.

Sincerely,

J. M. SWING, *Commissioner.*

In addition, the Director of the Visa Office, Department of State, submitted the following report on the case, dated June 30, 1955:

DEPARTMENT OF STATE,
Washington, June 30, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of May 3, 1955, and its enclosures, wherein you requested a report of the facts in the

case of Toyoji (Suzuki) Whipple, beneficiary of H. R. 5763, 84th Congress, 1st session.

A report recently received by the Department from the American Embassy at Tokyo, Japan, states that Toyoji Whipple is the adopted child of Sgt. Jack Whipple. Sergeant Whipple has presented evidence of legal adoption. The adopted child is registered under the non-preference portion of the Japanese quota under date of June 8, 1954, as Sergeant Whipple has not yet petitioned for fourth preference. As the child is 12 years of age he is not eligible for consideration under section 5 (a) of the Refugee Relief Act of 1954, as amended.

As the quota for Japan is oversubscribed, it is anticipated that Toyoji Whipple would undergo a considerable period of waiting before a number could be allotted for his use.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Toyoji Whipple would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Congressman John F. Baldwin, the author of the bill, submitted the following information relating to the case:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 3, 1956.

Hon. EMANUEL CELLER,
Chairman, Judiciary Committee,
House of Representatives, Washington, D. C.

DEAR MR. CELLER: This will acknowledge receipt of your letter of November 18, 1955, enclosing a copy of the report of the Immigration and Naturalization Service on private bill H. R. 5763, 84th Congress, relative to Toyoji (Suzuki) Whipple.

In paragraph 4 of this report the following statements appear: "Sergeant Whipple indicates he adopted the beneficiary in Japan However, no documents concerning such adoption have been furnished to this Service * * *"

I would like to point out that evidence of this adoption is contained in a report filed with your committee on this same private bill by Mr. Rolland Welch, Director, Visa Office, State Department, on June 30, 1955. This report in its second paragraph reads as follows:

"A report recently received by the Department from the American Embassy at Tokyo, Japan, states that Toyoji Whipple is the adopted child of Sgt. Jack Whipple. Sergeant Whipple has presented evidence of legal adoption * * *

As further evidence relative to this adoption, I am enclosing statements which I have received from Sgt. Jack Whipple in a letter dated December 15, 1955, upon this same subject, together with a certified copy of the family register confirming the adoption, together with an English translation.

As I understand it, there is now on file all the evidence necessary in order that a hearing may be held upon this private bill. We would therefore deeply appreciate the scheduling of such a hearing at the

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earliest possible date, and I would like to request the opportunity to appear at the hearing to testify in behalf of the bill.

With kindest regards,

Sincerely yours,

JOHN F. BALDWIN,
Member of Congress.

TOKYO, JAPAN, *December 15, 1955.*

Hon. JOHN F. BALDWIN,
House of Representatives, Washington, D. C.

DEAR MR. BALDWIN: I am very happy to have just received your letter of December 1 regarding additional documents you may need in presenting our private bill, H. R. 5763.

In early January 1954 my wife and I appeared at the Tokyo Court of Family Relations and secured a document authorizing my adoption of Toyoji. We were told at the time that this procedure was unnecessary inasmuch as my wife had previously formally adopted the boy. This document was given by me to a representative of the American Embassy in Tokyo during the course of their investigation. We were told that it would only be necessary to register the adoption by amending my wife's family register (Kosekitohon) at the local municipal office. We accomplished this and the family register was so amended. I am enclosing a copy of the family register with English translation. These two documents are all that exist pertaining to the adoption of Toyoji, and are all that are required by Japanese law.

Am sorry to have been so lax in writing to express my appreciation of your timely action in assisting my efforts to secure an extension of my foreign-service tour. I especially appreciate the additional time as it allows the boy to complete the school year here in the Army dependent school which has done everything possible to give him a thorough grounding in elementary school subjects.

We hope to call and express our thanks personally next year when we return to the States.

Sincerely yours,

JACK WHIPPLE, *Sergeant, RA19176726.*

[Copy of Family Register]

KAWASAKI CITY OFFICE, KANAGAWA

Permanent domicile: 1,152, Kizuki, Kawasaki-shi, Kanagawa-ken.
Name: Kinu Suzuki.
(Due to report on division of register, this register was compiled on February 23, 1950.)
Name: Kinu.
Father: Masayoshi Suzuki.
Mother: Yoshi.
Degree of relationship: Eldest daughter.
Born: December 17, 1917.

Birth at 1,152, Kizuki, Sumiyoshimura, Kitsuju-gun, on December 17, 1917, was reported by father, Masayoshi Suzuki, and the report was accepted and registered on the 27th of the same month.

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Report on division of register was accepted on February 23, 1950, and was entered in register from that of Masayoshi Suzuki, 1,152, Kizuki, Kawasaki-shi.

Adoption of Toyoji Segawa was reported on March 31, 1950.

Report of marriage to Jack Whipple, nationality American, received November 17, 1953, by the headman of Chuoward, Tokyo, and forwarded November 30, 1953, for registration to this office.

Name: Toyoji.
Father: Kikujiro Segawa.
Mother: Sute.
Degree of relationship: Fifth son.
Adoptive mother: Kinu Suzuki.
Degree of relationship: Adopted son.
Born: April 15, 1943.

Birth at 2,563, 5-chome, Kami Meguro, Meguro-ku, Tokyo-shi, on April 15, 1943, was reported by father, Kikujiro Segawa, and the report was accepted by headman of Setagaya ward, Tokyo city, on May 21, in the same year, and was sent for registration on June 9, in the same year, and was entered in register.

Adoption by Kinu Suzuki was reported by adoptive mother and approvers of adoption, father, Kikujiro Segawa, and mother, Sute, who exercised parental authority, and the report was accepted on March 31, 1950, and was entered in register from that of Kikuhiro Segawa, 28, Hon-machi, Hakodate-shi, Hokkaido.

Adopted by Jack Whipple, nationality American. This was reported by the above American and Kinu Suzuki, mother of the boy and approver of adoption, who exercises parental authority. Received January 14, 1954, by this office.

I hereby certify that the above is a true copy of the original family register in every particular.

[OFFICIAL SEAL] FUJITARO KANASASHI,
Mayor of Kawasaki City.

DECEMBER 12, 1955.

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 555), as amended, should be enacted.

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Calendar No. 2151

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2128

WAIVING CERTAIN PROVISIONS OF SECTION 212 (a) OF THE IMMIGRATION AND NATIONALITY ACT IN BEHALF OF CERTAIN ALIENS

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 566]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 566) waiving certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens, having considered the same, reports favorably thereon with an amendment and recommends that the joint resolution, as amended, do pass.

AMENDMENT

On pages 2 and 3, strike section 4 of the joint resolution and insert in lieu thereof the following:

> SEC. 4. That, notwithstanding the provisions of section 212 (a) (9) and (28) (C) (iv) of the Immigration and Nationality Act, Gertrud Koch may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That her marriage to her United States citizen fiance, Frank J. Kleczewski, shall occur not later than six months following the date of the enactment of this Act.

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to waive certain grounds of inadmissibility in behalf of 6 aliens, 5 of whom are the spouses of United States citizens or lawful-resident aliens, and 1 of whom is the fiance of a United States citizen. The joint resolution,

as it passed the House of Representatives, provided for the admission into the United States of the fiance of a United States citizen serviceman for the purpose of marriage, notwithstanding her inadmissibility. However, information has been received that the citizen fiance is now stationed abroad and the resolution has been amended to provide only for a waiver of the inadmissible grounds.

STATEMENT OF FACTS

H. R. 934

The beneficiary is a 31-year-old native and citizen of Germany, who presently resides in France, with her United States citizen husband whom she married on June 3, 1954, in Germany. The beneficiary's citizen husband is a member of the United States Army. The beneficiary has been unable to qualify for a visa to enter the United States inasmuch as the record shows that she was convicted on August 20 and December 5, 1942, for theft, and on October 6, 1943, for theft, for which she was sentenced to 6 weeks, 4 months, and 9 months in jail, respectively. Without the waiver provided for in the bill, the beneficiary will be unable to accompany her citizen husband to this country when he is reassigned.

A letter, with attached memorandum, dated November 9, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 9, 1955.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 934) for the relief of Mrs. Emmy Rothe Hirsch, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, and would authorize the alien's admission to the United States for permanent residence if she is found to be otherwise admissible. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. EMMY ROTHE HIRSCH, BENEFICIARY OF H. R. 934

The beneficiary's maiden name was Emmy Frieda Martha Rothe. She was born on July 27, 1924, in Spreenhagen, Kreis Beeskow-Storkow, Germany. On June 3, 1954, she married Philip R. Hirsch at Munich, Germany. She is unemployed and is dependent upon her husband for support. The beneficiary has never been in the United States. She states that on June 20, 1952, she applied for a visa at the American consulate at Munich, Germany, and that he declined to issue such visa on the ground that she had been convicted on a charge of petty larceny. The beneficiary states that she had been arrested in Munich, Germany, in 1942 for the theft of one pair of shoes, and misappropriation of a food ration card.

The beneficiary's husband, Philip R. Hirsch, states he is a citizen of the United States and that he was born in Columbus, Ohio, on February 2, 1912. He further states that he has been a member of the United States Army since April 7, 1942, and is presently a sergeant in the United States Army stationed at La Rochelle, France, where he resides with his wife, the beneficiary. His Army serial number is RA32280099 Sergeant Hirsch states that he first met the beneficiary while stationed in Germany in 1947; that they were married there in 1954; and that they have no children. Sergeant Hirsch's father and one brother reside in the United States. He has no one dependent upon him for support in the United States. His income as a sergeant in the United States Army is $3,644.40 per year.

The committee may wish to communicate with the Bureau of Security and Consular Affairs of the Department of State for additional information in this case.

In addition, the Director of the Visa Office, Department of State, submitted the following report dated June 27, 1955, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, June 27, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of April 5, 1955, and its enclosures wherein you requested a report of the facts in the case of Mrs. Emmy Rothe Hirsch, beneficiary of H. R. 934, 84th Congress, 1st session.

There is enclosed a copy of a self-explanatory communication dated June 3, 1955, from the American consulate at Munich, Germany.

At this time the Department has no knowledge of any factor in Mrs. Hirsch's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligi-

bility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

OPERATIONS MEMORANDUM

JUNE 3, 1955.

To: Department of State.
From: Anchore, Munich, Germany.
Subject: Visas—Immigrant case of Emmy B. Hirsch, nee Rothe.
Ref: UROMV No. 734 of May 16, 1955.

The dossier of Kesa Rothe was submitted to the consulate general on February 3, 1954, by Headquarters Base Section, USAREUR Communications Zone, APO 21, United States Army, in connection with the application made by Sfc. Phillip R. Hirsch to marry Miss Rothe. This was done in accordance with prevailing practice to determine whether Miss Rothe would be admissible to the United States after her marriage to her American citizen finance.

The investigation conducted in Miss Rothe's case revealed the following convictions:

August 26, 1941: County court, Berlin—2 weeks' juvenile detention for theft.

August 20, 1942: County court, Fuerstenwalde—3 weeks' jail for theft.

December 5, 1942: County court, Frankfurt/Oder—4 months' jail for theft.

August 31, 1943: State court, Frankfurt/Oder—2 months' jail for refusal to work.

October 6, 1943: County court, Fuerstenwalde—9 months' jail for theft and breaking of work contract.

Sergeant Hirsch's unit commander was informed on February 23, 1954, that Miss Rothe appeared ineligible for an immigration visa under section 212 (a) (9) of the Immigration Act.

As all of the above-cited convictions took place in the Eastern Zone of Germany it is not possible to obtain copies of the pertinent court records. This applicant is not entitled to reconsideration of her case under Public Law 770, 83d Congress, section 4.

In response to their individual inquiries both Sergeant Hirsch and his father, Mr. Louis A. Hirsch, were informed on September 23, 1952, and November 7, 1952, respectively, that a previous marriage dossier submitted to us on May 19, 1952, by appropriate Army authorities had been returned to the unit because of Miss Rothe's ineligibility to receive an immigrant visa.

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Congressman Sterling Cole, the author of the bill, submitted the following letter in connection with the case:

UNITED STATES HOUSE OF REPRESENTATIVES,
Washington, D. C., March 29, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I write to ask if you will please request a departmental report on House Resolution 934 for the relief of Mrs. Emmy Rothe Hirsch. This bill was originally introduced in the 83d Congress as H. R. 9990.

Mrs. Hirsh is the wife of a career Army man who is a legal resident of my Congressional District. During World War II, and under the chaotic living conditions which existed in Germany during that time, she was convicted of four separate offenses. One of these offenses, however was political and one was a matter of juvenile delinquency and therefore, only two acts of petty larceny now preclude her entrance into the United States as the wife of an American citizen.

Mrs. Hirsch presently resides with her husband near La Rochelle, France. Her husband's military address is: Sfc. Philip H. Hirsch, Headquarters and Headquarters Company, 7810th Station, Complement Base, APO 21, New York, N. Y.

I have carefully investigated this case on all possible levels and I am convinced of its merit and I respectfully request that a hearing be scheduled on H. R. 934 as soon as practicable after you receive a report from the Department of State.

Sincerely yours,

STERLING COLE,
Member of Congress.

H. R. 5383

The beneficiary is a 27-year-old native and citizen of Great Britain, who last entered the United States on April 12, 1955, as a visitor. She was married in England on June 24, 1954, to Duane V. Webster, a United States citizen, who was then stationed abroad with our Armed Forces. The couple has one child who is a citizen of the United States and was admitted to this country as such on April 11, 1955, accompanied by his father. The beneficiary is inadmissible to the United States inasmuch as the record discloses that in November 1950, she was convicted of the crimes of bigamy and of obtaining money under false pretenses, for which she was sentenced to 6 and 9 months respectively, sentences to run concurrently. The beneficiary's bigamous marriage was declared a nullity prior to her present marriage. With the waiver provided for in the bill, the beneficiary will be able to depart from the United States and qualify for a nonquota visa for permanent residence.

A letter, with attached memorandum, dated July 12, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington D. C., July 12, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5383) for the relief of Mrs. Betty W. Webster, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Buffalo, N. Y., office of this Service, which has custody of those files.

The bill would authorize the beneficiary's admission to the United States for permanent residence notwithstanding the excluding provisions of sections 212 (a) (9) and 212 (a) (11) of the Immigration and Nationality Act relating to aliens convicted of crimes involving moral turpitude and aliens who are polygamists or who practice polygamy, if she is found to be otherwise admissible under the provisions of that act.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MRS. BETTY W. WEBSTER, BENEFICIARY OF H. R. 5383

The beneficiary, Mrs. Betty W. Webster, a native and citizen of Great Britain, was born on September 16, 1928, in Luton, England. According to the records of this Service, she has also been known as Betty Winifred West and Betty Winifred Burns, nee Lee. She was first married to a Mr. James West, on June 14, 1947, in England. This union, which terminated by divorce in September 1953, resulted in the birth of two children who now reside in legal custody with their father in England. While still legally married to Mr. West, the beneficiary entered into a marriage with Mr. Stanley Burns in November 1950, but such marriage has been declared a nullity. No children were born of this illegal relationship. On June 24, 1954, she married Duane Vernon Webster, a United States citizen by birth, at Margate, England, while he was stationed abroad in the United States Air Force. They are the parents of Anthony Webster, born October 12, 1953, at Thanet, Margate, England, who was admitted to this country as a United States citizen with his father at Buffalo, N. Y., on April 11, 1955, and now resides with the family at 288 Main Street, Johnson City, N. Y. The beneficiary's education includes the completion in England of what is the equivalent of American grammar school. She possesses no special skills, has worked as a waitress, but is not presently employed.

The beneficiary's only entry into the United States occurred at Buffalo, N. Y., on April 12, 1955, at which time

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she was admitted as a visitor. Deportation proceedings have been instituted on the ground that, at the time of entry, she was not a bona fide visitor but an immigrant who was not in possession of a valid immigrant visa and not exempted from the presentation thereof. A hearing under the outstanding warrant of arrest will be scheduled in the immediate future.

Mrs. Webster stated that she was convicted in London, England, in November 1950, of the commission of the crimes of bigamy and of obtaining money under false pretenses (allotment checks). Sentences of 6 months and 9 months were imposed, to run concurrently, as a result of those 2 convictions. Both of the convictions arose as a consequence of her bigamous marriage to Mr. Burns. Mrs. Webster advised that she had been refused an immigrant visa by the American consul, London, England. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

The previous marriage of Duane Vernon Webster, beneficiary's husband, was terminated by annulment in 1950. He served honorably in the United States Air Force from 1950 to 1954. Mr. Webster is presently employed as a watchmaker by a jewelry firm in Binghamton, N. Y., at a weekly wage of $65. The family has no tangible assets at present other than personal effects.

In addition, the Director of the Visa Office, Department of State, submitted the following report dated June 21, 1955, relating to the case, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, June 21, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of May 9, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Betty W. Webster, beneficiary of H. R. 5383, 84th Congress, 1st session.

There is enclosed a copy of a self-explanatory communication dated March 30, 1955, from the American Embassy at London, England.

At the time the Department has no knowledge of any factor in Mrs. Webster's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude her from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Enclosure from American Embassy, London, March 30, 1955 (in duplicate).

OPERATIONS MEMORANDUM

MARCH 30, 1955.

To: Department of State (OMV No. 572).
From: American Embassy, London (SSC ——).
Subject: Visas—Immigrant case of Mrs. Duane V. Webster.
Ref: Department's OMV-385 of March 22, 1955.

Mrs. Betty Winifred Webster, also known as West and Lee, the wife of Duane V. Webster, registered with the Embassy as an intending immigrant on August 25, 1954, and was informally refused under section 212 (a) (9) of the act on October 6, 1954. The two conviction records in the case are reproduced below:

It may be noted that Mrs. Webster actually served only 6 months in prison as she was given 3 months off for good behavior.

"CENTRAL CRIMINAL COURT TO WIT:

"These are to certify that at the general session of the delivery of the lawfully appointed prisons holden for the jurisdiction of the central criminal court at the central criminal court in the Old Bailey, city of London, on the 13th day of November 1951 Betty Winifred West was in due form of law convicted on indictment for that she on the 4th day of October 1950 married Stanley Burns during the life of her husband James West, and that the said Betty Winifred West was ordered to be imprisoned 6 months concurrent with a sentence on another indictment.

"Dated the 21st day of September 1954."

"CENTRAL CRIMINAL COURT TO WIT:

"These are to certify that at the general session of the delivery of the lawfully appointed prisons holden for the jurisdiction of the central criminal court at the central criminal court in the Old Bailey, city of London, on the 13th day of November 1951 Betty Winifred West was in due form of law convicted of indictment for that she with intent to defraud obtained £2 9s. Od. and £2 9s. Od, from His Majesty's Postmaster General by false pretences and that the said Betty Winifred was ordered to be imprisoned 9 months concurrent with sentence on another indictment.

"Dated the 21st day of September 1954.

"———— ————, *Clerk of the Court.*"

Congressman W. Sterling Cole, the author of the bill, submitted the following letter in support of the bill:

DEPARTMENT OF THE AIR FORCE,
Washington, March 29, 1955.

Hon. W. STERLING COLE,
House of Representatives.

DEAR MR. COLE: I refer to your further expression of interest in behalf of Mr. Duane V. Webster concerning his desire to bring his wife, who is a British citizen, to the United States.

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I have been informed that Mr. Webster met his wife while he was a member of the Air Force, stationed in England. When they decided to get married, he made application to his immediate commander for permission to marry a foreign national.

When such applications are submitted, the background of the airman's prospective spouse is investigated. The Air Force has retained an English firm to conduct such investigations. In this instance, the English firm conducted an investigation into the background of Mr. Webster's prospective spouse and found no derogatory information. Mr. Webster's application was, therefore, approved. They were married on June 24, 1954. They lived together and enjoyed every privilege and recognition extended any other Air Force family. He obtained a class Q allotment for his wife and was permitted to designate her as beneficiary to receive, in case of his death, his national service life insurance. Approximately 6 weeks prior to the date he was scheduled to return to the United States, Mr. Webster applied to the American Embassy in London, England, for a visa for his wife in order that she might come to America with him. He indicated on the application form that his wife had two convictions by an English court. They were for bigamy and accepting money under false pretenses. On the basis of the information contained in the charge sheets used at the trial, the application was denied. The news was a great disappointment and has brought much mental anguish to both of these young people. The matter of travel visas or entry permits on which foreign nationals may visit the United States is entirely outside the jurisdiction of the Air Force. It is hoped, however, that some means may be found whereby this young couple may be reunited.

Your continued interest in Air Force activities is appreciated.

Sincerely yours,

JOE W. KELLY,
Major General USAF, Director, Legislative Liaison.

H. R. 1332

The beneficiary is a 37-year-old native and citizen of Mexico, who presently resides in that country. On March 4, 1954, he was excluded from the United States for the reason that he was inadmissible in that he had previously obtained entry into the United States by fraud. The beneficiary has made four entries into this country, the first of which was on January 19, 1943, under contract. He departed voluntarily on July 18, 1945. He next entered the United States on October 21, 1945, using the identity of another person, following which he was deported on April 4, 1946. On September 15, 1946, and again on October 15, 1950, he entered this country without inspection. Following both of these entries, he was permitted to depart voluntarily. On June 28, 1951, the beneficiary married a citizen of the United States, and the couple has four United States citizen children. Since the beneficiary's departure, his family has been receiving assistance from State welfare funds. Without the waivers provided for in the bill, the beneficiary will be unable to join his citizen wife and children in this country and provide proper support.

A letter, with attached memorandum, dated October 1, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Natural-

ization with reference to a similar bill then pending for the relief of the same alien, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., October 1, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 10022) for the relief of Armando Alfaro-Arciniega, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service which has custody of those files.

The bill provides that the beneficiary shall be held and considered to have been lawfully admitted to the United States as of the date of its enactment, upon payment of the required visa fee.

The beneficiary is not in the United States and the bill is apparently intended to exempt him from the excluding provisions of sections 212 (a) (16) and (19) of the Immigration and Nationality Act, although no specific reference is made to those sections in the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ARMANDO ALFARO-ARCINIEGA, BENEFICIARY OF H. R. 10022

The beneficiary, Armando Alfaro-Arciniega, is a native citizen of Mexico. He has also been known as Ricardo Lemos-Martinez and Aramendo Martinez-Lemus. He was born August 18, 1918, in Mexico City, D. F., Mexico. The beneficiary has made four entries into the United States. He first entered on January 19, 1943, at El Paso, Tex., under contract to the War Food Administration. He abandoned his contract without permission in May 1945 and was arrested by this Service in July 1945. He was permitted to depart voluntarily to Mexico on July 18, 1945. He next entered the United States on October 21, 1945, at Sasabe, Ariz., in the identity of Ricardo Lemos-Martinez for a temporary visit of 25 days. On January 25, 1946, he was again arrested by this Service and was deported to Mexico on April 4, 1946. He again entered the United States without inspection near Calexico, Calif., on September 15, 1946, and was arrested by this Service on June 2, 1949. On June 17, 1949, he was permitted to depart voluntarily to Mexico. On October 15, 1950, he again entered the United States without inspection near Calexico, Calif. He voluntarily surrendered himself to this Service on February 7, 1952. His application for suspension of deportation was denied for the reason that he had been a consistent violator of immigration laws in the past. He

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was permitted to depart voluntarily to Mexico on September 6, 1953. He subsequently obtained permission to reapply for admission to the United States and an immigrant visa. On March 4, 1954, he was excluded from the United States for the reason that he was statutorily inadmissible in that he had previously obtained entry into the United States by use of fraud, i. e., entry in the identity of Ricardo Lemos-Martinez. The beneficiary presently resides in Tijuana, Baja California, Mexico.

The beneficiary resided in Mexico City until 1943 and attended primary school in that city. His principal occupation since 1943 has been as an agricultural laborer in southern California. For the past 5 months he has been employed as a tourist inspector by the State of Baja California, Mexico, in Tijuana, Mexico. His present salary is equivalent to about $50 per month. The beneficiary has been married twice. His first marriage was on June 11, 1937, in Mexico City, Mexico, to Guillermina Palomino, a citizen of Mexico. One child was born of that marriage in 1939. The couple was divorced in December 1949 on the complaint of the wife. She received custody of their child. The beneficiary was married to Paz Martinez, a native-born citizen of the United States on June 28, 1951, at Ventura, Calif. He has testified that he and his present spouse resided together in an illicit relationship for about 7 years prior to their marriage. Three children born outside of wedlock to the couple have been legitimated by their subsequent marriage. The couple now have four children, all citizens of the United States, and all living with their mother in Casa Blanca, Calif. The wife of the beneficiary has been employed seasonally in the citrus fruit industry, and is now receiving assistance from the State of California, Department of Public Assistance. Her grant was established in July 1954 and after September 1954 will be in the amount of $150 per month.

The beneficiary has been arrested and convicted on pleas of guilty on five occasions. On September 26, 1936, at Mexico City, Mexico, he was arrested for disturbing the peace. Disposition of that offense is unknown. On September 20, 1943, he was arrested at Fullerton, Calif., for violation of section 502 of the California Vehicle Code (driving while intoxicated). According to the records of the Fullerton Police Department he pleaded guilty and paid a fine of $200. On March 30, 1948, at Riverside, Calif., he was arrested for intoxication. According to the records of the Riverside, Calif., sheriff's office he pleaded guilty and paid a fine of $25. On October 22, 1948, at Lindsay, Calif., he was arrested for intoxication. According to the records of the Lindsay, Calif.. Police Department he pleaded guilty and paid a fine of $20. On June 6, 1949, to San Diego, Calif., he was indicted for violation of title 8, United States Code, section 180 (unlawful entry after deportation from the United States, consent to reapply not having been granted). According to the records of this Service, he pleaded guiltv and

was placed on probation for 3 years, provided that he depart to Mexico and remain outside the United States during the period of the probation. The beneficiary has testified that he never complied with the applicable provisions of the Selective Service Act of 1940. The beneficiary has no relatives in Mexico other than his former wife and daughter. So far as is known, both live in Mexico City, Mexico. Both of his parents died in Mexico. His only relatives in the United States are his wife and four children.

Congressman John Phillips, the author of the bill, submitted the following letters and statements in support of the bill:

STATE OF CALIFORNIA,
County of Los Angeles, ss:

I, Paz Martinez Alfaro, whose address is 7414 Diamond Street, Casa Blanca, Calif., after being first duly sworn, do depose and testify as follows:

That I was born July 25, 1923, in San Fernando, Los Angeles County, Calif., and have been a citizen of the United States ever since my said birth. That I am married and the name of my husband is Armando Alfaro-Arciniega. My husband and I have four children, all minors and all born in the United States. All of our children are entirely dependent on me and my husband for support.

That I have known my said husband, Armando Alfaro-Arciniega, for the past 10 years and during all of that time he has been a person of the highest ideals and a good husband and father. He has worked continuously to support me and our children and I can truthfully testify that my husband will be an asset to the United States. However, my said husband recently went to Mexico for the purpose of securing an immigration visa and upon his presenting such visa at the office of the Immigration and Naturalization Service, San Ysidro, Calif., he was refused admission to the United States.

That I am preparing this affidavit for submission to Hon. John Phillips, Member of Congress, who is the Representative in Congress from my district, with the request he assist my said husband, Armando Alfaro Arciniega, in returning to the United States.

That my said husband's counsel, Marcus J. Pedersen, will furnish the entire facts of my said husband's case to Mr. Phillips as he is better qualified to do so, and I wish to say at this time that I will be greatly appreciative for whatever can be done for my said husband as I know he is worthy of help.

PAZ MARTINEZ ALFARO.

Subscribed and sworn to before me, Marcus J. Pedersen, a notary public in and for said county and State, this 20th day of May 1954, at Los Angeles, Calif.

[SEAL] MARCUS J. PEDERSEN.

My commission expires February 19, 1956.

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UNITED STATES DEPARTMENT OF JUSTICE

BOARD OF IMMIGRATION APPEALS

BRIEF AND EXCEPTIONS IN BEHALF OF APPELLANT

File No. A5935998

IN RE ARMANDO ALFARO-ARCINIEGA, APPELLANT

FACTS

Appellant was born August 18, 1918, in Mexico City, Mexico. He first entered the United States January 23, 1943, at El Paso, Tex., as an agricultural laborer. He was given voluntary departure by the Immigration and Naturalization Service in June 1945, and departed from the United States. He applied on October 21, 1945, for a nonresident alien's border crossing identification card at Sasabe, Ariz. In the application he stated his name was Ricardo Lemus-Martinez and that he was born at Pitiquito, Sonora, Mexico. The appellant entered the United States in October 1945, with such nonresident alien's border crossing identification card.

Subsequent to the entry of appellant in October 1945, he was placed under proceedings and deported to Mexico, April 4, 1946. He returned to the United States during May 1947, and was thereafter placed under deportation proceedings. On June 17, 1949, he was permitted to depart to Mexico voluntarily. On October 15, 1950, he entered the United States and on September 6, 1953, was permitted to depart voluntarily. The appellant's application for permission to reapply for admission into the United States after deportation or removal was granted by the Immigration and Naturalization Service, Los Angeles, Calif., November 25, 1953, under its file No. 1600–20418 E. and D.

On January 22, 1954, he was granted a nonquota immigration visa by the American consular service at Mexico City, Mexico, and thereafter made application for admission to the United States on that visa at the office of the Immigration and Naturalization Service, San Ysidro, Calif. He was held for a hearing before a special inquiry officer to determine his eligibility for admission to the United States. On March 5, 1954, hearing was held at the immigration station, San Ysidro, Calif., before a special inquiry officer, and on the same date that officer rendered his decision in which he excluded the appellant from entry into the United States under section 212 (a) (19) of the Immigration and Nationality Act of 1952 on the ground of having "Obtained a visa or other documentation by fraud or by willfully misrepresenting a material fact." The special inquiry officer used as a basis for his decision the fact of appellant having applied for and received a nonresident alien's border crossing identification card in October 1945, at Sasabe, Ariz., under the name of Ricardo Lemus-Martinez which was not his true name. It is from that decision of the special inquiry officer of March 5, 1954, that we take this appeal.

The special inquiry officer in his decision of March 5, 1954 states on page 1 thereof with reference to the appellant's having secured a nonresident alien's border crossing identification card in October 1945, in a name other than his own, the following:

"He [appellant] has testified that he made those false statements because he believed that if he had stated the true facts that he would not have been granted a border-crossing identification card."

We call attention to the exact testimony in this case to show the special inquiry officer does not have any basis in fact to sustain such statement. Please refer to page 3 of the record of hearing dated March 5, 1954, in this case on which the following appears:

"Question. When you executed this application for your border crossing card, did you believe that if you gave your true name and the other facts true that you would not be admitted as a local crosser?

"Answer. I think the crossing card will give it to me."

So, it can be seen, the appellant did not give the testimony attributed to him by the special inquiry officer.

Appellant was married to Guillermina Palomino de Alfaro on June 11, 1937, in Mexico City, Mexico. They were divorced in Mexico City, Mexico, December 15, 1949. His valid marriage to his present wife, Paz Trujillo Martinez, was on June 28, 1951, in Ventura, Calif. Ever since such marriage the appellant and his present wife have resided together as husband and wife. Sometime during the year 1945 the appellant and his present wife began residing together and have continued to reside together ever since. The appellant and his wife Paz Trujillo Martinez have 4 minor children, all born in the United States, and the appellant's wife and 4 native-born American children are completely dependent on appellant for their support.

LAW INVOLVED

Section 212 (a) (19) of the Immigration and Nationality Act of 1952 (title 8, section 1182 U. S. C. A.) which reads as follows:

"Except as otherwise provided in this Act, the following classes of aliens shall be ineligible to receive visas and shall be excluded from admission into the United States:

"Any alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation, or seeks to enter the United States, by fraud, or by willfully misrepresenting a material fact;".

POINT INVOLVED

Whether it has been established the appellant actually sought to procure or procured his border crossing identification card in October 1945, by fraud or by willfully misrepresenting a material fact?

EXCEPTIONS

1. Exception is taken to finding of fact as to excludability (4) of the special inquiry officer as not being sustained by the record.
2. Exception is taken to conclusion of law as to excludability (1) of the special inquiry officer as not being sustained by the record.
3. Exception is taken to the exclusion order of the special inquiry officer as not being sustained by the record.

ARGUMENT

In no place in the record will it be found that the appellant made false statements "in the belief that had he told the truth, he would not be granted a border-crossing card" as stated in the finding of fact as

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to excludability (4) of the decision of the special inquiry officer. In no place in the record is it shown that the appellant would not have been issued a nonresident al en's border-crossing card had he told the truth when he applied for such a card on October 21, 1945. Also, there is nothing whatsoever in the record to indicate in any way whatsoever that appellant intended to or actually did perpetrate any fraud whatsoever in applying for such a card in a name other than his own.

In view of the above and also the further fact that the special inquiry officer states on page 2 of his decision: "The record establishes that the only grounds for exclusion of the applicant are under the section of law stated in the heading. Although there are very appealing factors in this case, the law does not permit any discretionary waiver of the applicant's excludability as an immigrant," we believe in all justice to the appellant and particularly to his wife and four minor citizen children, all of whom are dependent on him for support, the record does support the finding that he has not obtained a visa or other documentation by fraud or by willfully misrepresenting a material fact. We submit that this is the just finding to be made by the reviewing authorities and that the exclusion order of the special inquiry officer should not be sustained.

While counsel does not condone appellant's transgressions, he does want to point out that if anyone could see and associate with the appellant and his family such as counsel has when they have called at his office on many occasions previous to departure of the appellant to Mexico last year, the only conclusion such person could reach would be that that family was as nice a family as one could find anywhere, all of them clean, polite, and intelligent, and the children well behaved.

Counsel is fully awa e that the immigration laws of the United States should be enforced and is in favor of such a policy; however, when the record does not contain the necessary elements, such as the record in this case, to sustain an exclusion order, the exclusion order should not be sustained.

We sincerely submit the record does not sustain the exclusion order in this case and that this appeal should be sustained.

Respectfully submitted.

MARCUS J. PEDERSEN,
Counsel for Appellant.

LOS ANGELES, CALIF., *March 11, 1954.*

RIVERSIDE COUNTY DEPARTMENT OF PUBLIC WELFARE,
Riverside, Calif., March 12, 1954.

Re Alfaro, Armando.

MARCUS J. PEDERSEN,
Attorney, Los Angeles, Calif.

DEAR MR. PEDERSEN: We enclose copies of two letters we have written to the immigration authorities regarding the case of Mr. Alfaro. We believe that they are self-explanatory. We will appreciate any information you may be able to give us or any suggestions regarding further action which we may take in behalf of Mr. Alfaro.

Very truly yours,

JOHN E. MCINTYRE, *Director.*
By VIRGINIA D. KENT, *Social Worker.*

90007°—57 S. Rept., 84-2, vol. 7——73

MARCH 12, 1954.

Re Alfaro, Armando, 7450 Evans Street, Casa Blanca, Calif. (Riverside), County No. 25979.
Los Angeles Immigration and Naturalization No. 1600/20418 B. and D.

BOARD OF APPEALS,
United States Department of Justice,
Immigration and Naturalization Service,
Washington, D. C.

DEAR SIRS: Armando Alfaro is at present in Tijuana, Mexico, awaiting authorization to enter the United States legally. According to information we received in December 1953, from the office of the district director of the Immigration and Naturalization Service in Los Angeles, his application to reapply for admission into the United States after deportation or removal was granted by that office November 25, 1953, and the Visa Division of the Department of State was so notified. On March 11, 1954, his wife, Paz Alfaro, informed us that he had obtained his visa some time ago, but still was not permitted to enter the United States. It was her understanding that a hearing was to be held the week of March 15 to 19 by the Board of Appeals in Washington, D. C., to determine the final outcome of his case. Inasmuch as we would not have enough time to check this matter with the Los Angeles district office, we are writing in his behalf and hoping that this letter will reach the proper authorities in Washington.

Mr. Alfaro's family consists of his wife, Paz, and four sons, aged 2 to 8 years. She and the children were all born in California and have lived here continuously. Our records show that the small amount of assistance rendered by the Riverside County Department of Public Welfare and the Riverside County General Hospital during a period when Mr. Alfaro was in Mexico was repaid by him when he later returned to Riverside. Mr. Alfaro has supported his family very adequately when in the home, according to his wife. She tells us that he is well educated and has had jobs requiring shorthand and typing, and has had no difficulty finding employment.

Mrs. Alfaro is unskilled and does seasonal work in the citrus packing houses in this vicinity. Her parents assist her at present, although their income is very small. As she and her mother both work, the children are not getting adequate supervision and Mrs. Alfaro is having difficulty managing them. She stated that Mr. Alfaro is a very good father, and that he also keeps the children under control when he is in the home. She does not work outside of the home when her husband is supporting the family. Mr. Alfaro has been in Mexico since September 1953, and the family is finding it hard to manage. Their income at present is below aid-to-needy-children budget standards and unless Mr. Alfaro returns home soon, it will be necessary to give this family public assistance.

We hope that the foregoing information regarding the social and economic status of this family in our community may be of some assistance to you in deciding upon this appeal. We will appreciate hearing from you regarding your decision in Mr. Alfaro's case.

Very truly yours,

DEPARTMENT OF PUBLIC WELFARE,
JOHN E. MCINTYRE, *Director,*
By (Mrs.) VIRGINIA D. KENT,
Social Worker.

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MARCH 12, 1954.

Re Alfaro, Armando, Co. No. 25979.
Your No. 1600/20418 E. and D.

DISTRICT DIRECTOR,
United States Department of Justice,
Immigration and Naturalization Service,
Los Angeles, Calif.

DEAR SIR: We enclose a copy of a letter which we have written this date to the Board of Appeals in Washington, D. C. Mrs. Afaro informed us that her husband's case would come up the week of March 15–19, and we did not think that there would be time to clear this matter with you before sending our letter. Mrs. Alfaro also stated that Mr. Alfaro has his visa but still has not been permitted to reenter the United States.

The family is in economic straits and will need assistance unless Mr. Alfaro is permitted to return home soon. We will appreciate any information you can give us regarding his present status, and the probable length of time it may take before a decision can be reached on his case. Your cooperation is greatly appreciated.

Very truly yours,

DEPARTMENT OF PUBLIC WELFARE,
JOHN E. MCINTYRE, *Director.*
By (Mrs.) VIRGINIA D. KENT,
Social Worker.

H. R. 1335

The beneficiary is a 46-year-old native and citizen of Mexico, who presently resides in that country. On November 18, 1948, the beneficiary was granted a border-crossing card, at which time she stated under oath that she was married to a native and citizen of Mexico. On July 10, 1950, the beneficiary was married to a citizen of the United States. The couple has 1 child who is a citizen of the United States, and the beneficiary has 1 child who was born in Mexico. On June 11, 1952, the beneficiary and her alien child were granted voluntary departure, after it was found that they were residing unlawfully in the United States. On June 15, 1954, the beneficiary was denied an immigrant visa on the grounds that she admitted the commission of the crime of perjury and that she had obtained a border-crossing card by misrepresenting her marital status. Without the waivers provided for in the bill, the beneficiary will be unable to join her citizen husband in the United States.

A letter, with attached memorandum, dated May 23, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C. May 23, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 1335) for the relief of Elvira Villasenor Din, there is attached a memorandum of

information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the El Centro, Calif., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens to whom consent has not been granted to their reapplying for admission to the United States after exclusion and deportation, and aliens who have procured visas or other documentation by willfully misrepresenting a material fact, and would grant the beneficiary permanent residence if she is found to be otherwsie admissible. The bill would also provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act. It is noted that the beneficiary may also require a waiver of the provisions of section 212 (a) (9) as an alien who admits having committed a crime involving moral turpitude (perjury).

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING ELVIRA VILLASENOR DIN, BENEFICIARY OF H. R. 1335

Elvira Villasenor Din, who is also known as Elvira Villasenor de Gomez, is an alien and a citizen of Mexico by birth at Ameca, Jalisco, Mexico, on January 26, 1910. She was married to Rokn Din at El Centro, Calif., on July 10, 1950. Prior to such marriage, a son, Santos Anthony Din, was born to them at El Centro, Calif., on October 31, 1949.

The husband reports that the beneficiary had never been married before, although she lived out of wedlock in Mexico with a man named Gomez; and that as a result of such relationship, a son, who is now 10 or 11 years old, was born to her at Ameca, Jalisco, Mexico. He further alleges that the father of this child died in Mexico on March 28, 1949, as a result of a gunshot wound. Death certificate was presented. Both of the children are residing with the mother in Mexico.

The beneficiary, under the name of Elvira Villasenor de Gomez, was granted the nonresident alien's border crossing privilege at the port of Calexico, Calif. on November 18, 1948. At that time she alleged that she was married by civil ceremony to Juan Gomez-Medina. She and her Mexican-born son were found residing in the United States unlawfully and were accorded the voluntary departure privilege at the port of Calexico on June 11, 1952. She was denied an immigrant visa on June 15, 1954, by the American consulate at Tijuana, Baja California, on the ground of perjury.

Rokn Din, the beneficiary's husband, is a native and citizen of Pakistan, by birth at Ludhiana, Punjab, Pakistan, on or about October 14, 1889. He was admitted for permanent residence to the United States at Seattle, Wash. on August 30, 1912. This is his third marriage. His first marriage terminated by death of his wife in India about 1930. This

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marriage resulted in the birth of two children, both of whom are residing in Pakistan. In 1934 he married Jesus Osorio; and of this marriage, two children were born in the United States, one in 1934 and the other in 1935. This marriage terminated by divorce on June 6, 1949. Rokn Din contributed $50 a month for the support of these two children until some time last year. The third marriage was to Elvira Villasenor.

He has only one relative in the United States, a cousin with whom he resides on a ranch near El Centro. He stated that he has an income of about $200 a month. His assets consist of 80 acres of land, property deed for which was presented, and an automobile which he values at about $1,000.

In addition, the Director of the Visa Office of the Department of State submitted the following report dated June 8, 1955, relating to the case, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, June 8, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 3, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mrs. Elvira Villasenor Din, beneficiary of H. R. 1335, 84th Congress, 1st session.

A report recently received by the Department from the American consulate at Tijuana, Mexico, reads as follows:

"The records of the consulate show that Elvira Villasenor de Din submitted a preliminary application for an immigrant visa on April 30, 1954, and was refused informally on June 15, 1954, under section 212 (a) (9) of the Immigration and Nationality Act. This refusal was based on a report received from the consulate at Mexicali showing that she had been refused at that office on June 18, 1952, as an alien who admits the commission of a crime involving moral turpitude."

The full details in this case were reported to the Department in an earlier communication from the consulate at Mexicali. In this connection there is transmitted a copy of a letter dated May 6, 1953, addressed to the Honorable John Phillips, sponsor of H. R. 1335, which letter embodies the details reported by the consulate at that time.

At this time the Department has no knowledge of any factor in Mrs. Din's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Din from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

The enclosure referred to in the above letter reads as follows:

MAY 6, 1953.

Hon. JOHN PHILLIPS,
House of Representatives.

MY DEAR MR. PHILLIPS: I refer to previous correspondence concerning your interest in the immigrant visa application of Mrs. Elvira V. de Din.

The American consulate at Mexicali, which was requested to submit a report on this case, has informed the Department that its records show that Mrs. Din first appeared at the consulate on June 11, 1952, to apply for an immigrant visa, having just been given voluntary return from El Centro, Calif., where she had lived since 1948. She stated that she had one child born in the United States of her union with Mr. Rokn Din, whom she married in 1950 and that the child applying with her, born in Guadalajara in 1944, was illegitimate. She also stated that she had lost a border-crossing card issued to her at Calerico with which she had entered the United States in 1948.

After checking with the United States Immigration Office at Calexico, the consulate questioned Mrs. Din concerning the statement in her sworn application for a border-crossing card on November 18, 1948, that she was married to Juan Gomez-Medina on January 12, 1943, by civil ceremony in Ameca, Jalisco, Mexico. This application was made under the name of Elvira Villasenor de Gomez. Mrs. Din admitted that she remembered taking an oath that her statements in the application were true and that she had deliberately lied in stating that she was married, on the bad advice that if she told the truth about her unmarried status she would not be granted the border-crossing card.

On the basis of the facts brought out in the examination of Mrs. Din's case, the consulate concluded that she had admitted the commission of the essential elements of a crime involving moral turpitude, to wit, perjury. Furthermore, it was considered that her false statements were material to her obtaining a border-crossing card. She, therefore, was found to be inadmissible into the United States under the moral-turpitude clause of the immigration laws and an immigrant visa was refused her on June 18, 1952.

Mrs. Din later returned to the consulate with her husband in an endeavor to have her case reopened and gave the same admissions as before that she knowingly made the false statements on her application for a border-crossing card regarding her name and her marital status. The consulate again reached the decision that Mrs. Din was ineligible to receive a visa as a person who has admitted the commission of the essential elements constituting the offense of perjury.

Section 212 (a) (9) of the Immigration and Nationality Act renders ineligible to receive visas and excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude (other than a purely political offense), or aliens who admit having committed such a crime, or aliens who admit committing acts which constitute the essential elements of such a crime. The only exception made in the law is for aliens who have committed only 1 such crime while under the age of 18 years.

Sincerely yours,

EDWARD S. HANEY,
Director, Visa Office.

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Congressman John Phillips, the author of the bill, submitted the following statement and letters in support of the bill:

H. R. 1335, FOR THE RELIEF OF ELVIRA VILLASENOR DIN—STATEMENT BY MR. PHILLIPS, FEBRUARY 27, 1956

Mrs. Elvira Villasenor Din is a citizen of Mexico. She came into the United States through Calexico, Calif., November 18, 1948, at which time she received a crossing card. She is married to Rokn Din, a native of Pakistan, who has lived and farmed in Imperial Valley, which is in my congressional district, since 1913. Rokn Din owns 80 acres of good farmland and leases 120 additional acres upon which he is raising cotton, sugar beets, and alfalfa. Mr. Din is financially independent and has a good reputation as to honesty, and integrity. This couple started living together in 1949. In October 1949, a male child was born in the El Centro, Calif., hospital. The couple married July 10, 1950, and lived together in the valley until early in 1952, when Mrs. Din was required to leave the United States by a voluntary departure to Mexicali, Mexico, after an investigation was started by the Immigration Service.

In June 1952 Mrs. Din was denied the right to reenter the United States by the American consul because the statements in her sworn application for a border-crossing card were false.

On November 18, 1948, when Mrs. Din first applied for a border-crossing card, she stated she was married to Juan Gomez-Medina on January 12, 1943. In fact, no such marriage had ever occurred although she was Gomez' common-law wife and had borne him one illegitimate child. Mrs. Din admitted that she remembered taking an oath that her statements in the application, were true and that she had deliberately lied in stating that she was married, on the bad advice that if she told the truth about her unmarried status she would not be granted the border-crossing card.

Since that time, Mrs. Din has been unable to reenter the United States, because of the moral-turpitude clause of the immigration laws, and with the son, Santos Anthony Din, who is a citizen of the United States, is compelled to reside in Mexicali, Mexico. Because of the tender age of the boy, it is necessary that he be with his mother.

Rokn Din still maintains the home on his ranch in El Centro, Calif. The situation, which has apparently been brought about through a misunderstanding and by no fault on the part of Din or the minor son, is working a great hardship on both.

EL CENTRO, CALIF., *February 2, 1954.*

In re Elvira Villasenor Din.

Hon. JOHN PHILLIPS,
Congressman, 29th District of California,
House Office Building, Washington, D. C.

DEAR MR. PHILLIPS: The above-captioned woman, Elvira Villasenor Din, is a citizen of Mexico. She came into the United States through Calexico, Calif., November 18, 1948, at which time she received a crossing card.

She married Rokn Din, a citizen of Pakistan who has lived and farmed in Imperial Valley since 1913. Rokn Din owns 80 acres of good farmland and leases 120 additional acres upon which he is raising cotton, sugar beets, and alfalfa. Mr. Din is financially independent and has a good reputation as to honesty and integrity.

This couple started living together in 1949. In October 1949 a male child was born in the El Centro Hospital. The couple married July 10, 1950, and lived together in the valley until early in 1952 when Mrs. Din was required to leave the United States by a voluntary departure to Mexicali, Mexico, after an investigation was started by the Immigration Service.

In June 1952 Mrs. Din was denied the right to reenter the United States by the American consul in Mexicali. At this hearing, I am informed, Mrs. Din appeared alone and with no outside advice.

Since that time, Mrs. Din has been unable to reenter the United States, and with the son, Santos Anthony Din, who is a citizen of the United States, is compelled to reside in Mexicali, Mexico. Because of the tender age of the boy, it is necessary that he be with his mother.

Rokn Din still maintains the home on his ranch. The situation, which has apparently been brought about through a misunderstanding and by no fault on the part of Din or the minor son, is working a great hardship on both.

If possible, could a special bill be introduced permitting Mrs. Din and the boy to reenter this country, so that the boy could be properly reared?

Yours truly,

JAMES E. MARABLE,
Attorney at Law.

COUNTY OF IMPERIAL,
El Centro, Calif., December 5, 1955.

In re H. R. 1335, Elvira Villasenor Din.

Hon. JOHN PHILLIPS,
Member of Congress, House Office Building,
Washington, D. C.

DEAR MR. PHILLIPS: Since H. R. 1335 was introduced by you, and referred to the Committee on the Judiciary we have received no information as to its status.

We do understand, however, that an investigation of the case was undertaken and Rokn Din, the husband, was summoned by the local border patrol for questioning.

Would you kindly inform us of the present status of the bill, and if there is any hope of obtaining the relief requested?

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Mr. Din and the minor child, a citizen of the United States, are being penalized in a supreme degree because of our inability to obtain a reentry for Mrs. Din.

Any assistance you can give us in this case will be greatly appreciated.

I thought I might write a letter to an old friend of mine, the Honorable Harry Sheppard, of San Bernardino County, who I understand works very closely with you on many bills. Not desiring to intrude myself into the matter unless you considered a request to him proper, I have delayed writing to him until advised by you.

In any event, I would appreciate having my regards delivered to him.

Yours truly,

JAMES E. MARABLE,
Judge of the Justice Court,
El Centro Judicial District.

H. R. 1237

The beneficiary is a 32-year-old native and citizen of Germany, who presently resides in that country. She is engaged to marry Sgt. Frank John Kleczewski, a United States citizen and member of our Armed Forces. Sergeant Kleczewski is presently stationed in Germany. The beneficiary is ineligible to receive an immigrant visa inasmuch as the record discloses that in 1946, she was convicted of the crime of forgery involving irregularities concerning the sale of sugar. In addition, the beneficiary's father in 1945, entered her name on the rolls of the German Communist Party. In 1948, the beneficiary requested her father to stop paying her monthly dues and withdraw her name from the membership list. After several arguments on the subject, the beneficiary left home, and in June 1949, her name was withdrawn from the rolls. The beneficiary states that at no time did she take any part in the activities of the Communist Party. Without the waivers provided for in the bill, the beneficiary will be unable to marry her citizen fiance and accompany him to the United States when he is reassigned.

A letter, with attached memorandum, dated July 8, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 8, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary.
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 1237) for the relief of Gertrud Koch, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization files relating to the beneficiary by the Kansas City, Mo., office of this Service, which has custody of those files.

The bill apparently is intended to exempt the beneficiary from the provisions of the Immigration and Nationality Act relating to the exclusion of aliens who have been convicted of or admit the commis-

sion of crimes involving moral turpitude. It is noted the bill makes reference to statutory provisions which are no longer applicable and does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GERTRUD KOCH, BENEFICIARY OF H. R. 1237

Information concerning the beneficiary was furnished by Frank John Kleczewski the beneficiary's fiance and the sponsor of the bill. The beneficiary, Gertrud Koch, single, a native and citizen of Germany, was born February 3, 1924. She resides at Neustad im Odenwald, Neue 24, Germany, and is employed in a sweater factory at a salary of approximately $30 per month. She is partially supported by the sponsor, who sends her $50 a month.

The beneficiary has never been in the United States. According to the sponsor, the beneficiary was convicted in Hochst Odenwald, Germany in 1946 for irregularities concerning the sale of sugar and was fined 600 marks. The sponsor also stated that the beneficiary's father enrolled her in the Communist Party in Neustad in Odenwald, Germany. He was unable to furnish information as to the dates of her membership in the Communist Party and did not know whether she is still a member. The Committee may wish to make inquiry of the Visa Office of the Department of State for further information in this connection.

The sponsor, M. Sgt. Frank Kleczewski, was born at Oglesby, Ill., on March 26, 1923. He completed 3 years of high school and has served in the United States Army continuously since April 1943 except for the period from November 1945 to March 1946. He is stationed at Fort Riley, Kans. His base pay is $235 a month, and he receives a class Q allotment of $77.00 per month for a minor daughter by a former marriage. He has no assets. His previous marriage was terminated by divorce in May 1945. The sponsor was arrested June 9, 1938 for trespassing, and fined $50 which was suspended. He was arrested June 24, 1939 for disorderly conduct and given one year's probation. He had one other arrest in 1938 for failure to attend high school.

In addition, the then Director of the Visa Office, Department of State, submitted the following report on the case dated January 20, 1954, to the Committee on the Judiciary of the House of Representatives:

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DEPARTMENT OF STATE,
Washington, January 20, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to your letter of December 16, 1953, and its enclosures, wherein you requested the views of this Department concerning the enactment of H. R. 859, a bill for the relief of Gertrud Koch. Reference is also made to the Department's interim reply of December 17, 1953.

According to information contained in the Department's files, Gertrud Koch, who appears to be identifiable with the beneficiary of the proposed bill, was convicted of forgery on February 13, 1948, in the district court at Hoechst i. Odenwald, in that she falsified two sugar coupons to cover an unexplained shortage of twenty pounds. The foregoing information further indicates that the court, in passing sentence, found extenuating circumstances sufficient to warrant the imposition of a fine of RM600 in lieu of a prison term of 60 days in accordance with paragraph 27 (b) of the German Criminal Code.

The Department's files further indicate that in a letter of June 3, 1952, addressed to the Honorable Noah M. Mason, sponsor of the proposed bill, the American consular officer at Frankfort, Germany, stated that Miss Koch also appeared to be excludable from admission into the United States because of membership in an organization enumerated in the act of October 16, 1918, as amended, and as clarified by the act of March 28, 1951.

The effect of the enactment of H. R. 859 would be to remove the ground of excludability existing in Miss Koch's case only insofar as her conviction of a crime involving moral turpitude is concerned. Consequently, if the bill is enacted into law, it would appear that the other ground of apparent ineligibility in her case under the provisions of section 212 (a) (28) (C) of the Immigration and Nationality Act would still remain, thus precluding the issuance of an immigrant visa and her admission into the United States.

In the circumstances, the Department does not recommend the enactment of the proposed legislation.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

The beneficiary's citizen fiance addressed the following letter dated February 20, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives:

FEBRUARY 20, 1954.

Hon. CHAUNCEY W. REED,
House of Representatives, Washington, D. C.

DEAR MR. REED: This is in reply to your letter of February 10, 1954, concerning private bill H. R. 859, introduced for the relief of my fiance, Miss Gertrud Koch. I hope that this will answer the questions you asked in your letter.

To the best of my knowledge, Miss Koch's name was entered by her father to the membership list of the German Communist Party in December 1945, when it was reactivated following the fall of the

Nazis. I wish to point out here that Miss Koch's father, a victim of several Nazi jailings, was, during the period following World War II, installed as mayor of Neustadt/Odenwald by our occupation forces. He was a member of the Communist Party at the time, which was a perfectly legitimate organization as far as everyone was concerned. As I stated in my past letters, she became a member only because it was her father's desire. However, while she held this so-called membership, she never attended any meetings or rallies, signed any pledges or held any membership cards, gave any oaths of allegiance or held any positions in the party. During the period June 1948 to December 1951 she lived away from her home in Neustadt/Odenwald because of several arguments she had with her father on the subject. She was an employee of our occupation forces for several months during that time, the details of which I gave Mr. Mason in some of my past letters. In the early part of 1948, my fiance asked her father to stop paying her monthly dues since she considered it a waste of time and money. He disagreed with her, which caused her to leave home that June. In the latter part of 1948, he consented to have her name withdrawn from the membership roll. The exact date of her resignation or withdrawal is unknown, but I can safely say that this was accomplished either in December of 1948 or the very first few months in 1949. Since she never owned a membership badge of any sort, she was not asked to return anything after the resignation. As for the question as to whether or not she has been engaged in any political activities since her resignation, I can definitely say "No." I realize that the committee will have to take my word on this, but if there is some way all my statements can be checked, I would be happy if this were done. I wish, and it is my fiance's wishes, to have this affiliation with the party cleared. She has seen our form of government at work and knows what is right or wrong. I wish to remind the committee that I have known Miss Koch since April 1948, and willing to swear under oath that what I am telling them or have told Mr. Mason is the truth to the best of my knowledge. I am sure that you will personally agree with me that she has been a victim of circumstances in this case and I hope that our lawmakers can find her fit to become one of our citizens.

Thanking you for your personal attention to this matter and hoping that the decision that is made is in my favor, I am,

Sincerey yours,

FRANK J. KLECZEWSKI,
Master Sergeant, RA36657048,
5000th ASU, Headquarters, Fifth Army.

Congressman Noah M. Mason, the author of the bill, submitted the following statements in support of the bill:

SWORN STATEMENT

I, Kunigunde Koch, sister of Gertrud Koch, declare of my own free will:

During the time between the beginning of 1948 and the middle of 1949, my sister Gertrud said again and again that she would like to separate from the Communist Party. Gertrud did not live at home at that time and came to visit only once in a while. My parents

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were paying the monthly dues and had possession of the membership book. I myself never belonged to the party because I was not of age when it was newly established. My father paid the last dues for my sister in June 1949 and after that I burned the membership book. After this time she never belonged to the party.

Born September 2, 1932, Neustadt in Odenwald.

(Signature) KUNIGUNDE KOCH.

This is a true translation.

GARY DANIEL,
Private, United States Army.

SWORN STATEMENT

I, Gertrud Koch, daughter of Phillipp Koch, make the following statement concerning my membership in the Communist Party:

I grew up in the home of my parents and my entire youth was spent during the time my father's political leanings were against the Nazis. At last, when the war came to a close, it is understandable that we were all very happy and could breath freely again. I was 21 years old when the war ended and knew nothing about political parties. So it happened that my father, who was then mayor, joined the German Communist Party, which was newly established with the consent of the American military government, and also took me in as a member. All the members of my family who were of age became members at that time. I never participated in any of the political gatherings because my interest did not reach that far. My parents had a membership book which was never once signed by me. Furthermore, they paid a monthly dues. This continued until we could judge by the political situation that this party was not the best, in fact that it did objectionable things which were condemned throughout the world. At this time I and my immediate family one after the other separated from the party. I demanded the discontinuance of the monthly dues since 1948. Unfortunately I had to request this again and again, so it happened that my authentic break with the party did not come into effect until June 1949. My sister Kunigunde burned the membership book and with that the entire matter was settled. It was not until 1951 when my fiance, who was a soldier in the American garrison, arranged for our marriage papers, that we were reminded about the entire affair. The fact that I was not a member at that time makes it difficult for me to understand that this matter should be a burden to me now.

(Signature) GERTRUD KOCH.

NEUSTADT, LAND HESSEN, GERMANY, *November 21, 1955.*

This is a true translation.

GARY DANIEL.
Private First Class, United States Army.

SWORN STATEMENT

I, Philipp Koch, father of Gertrud Koch, make known out of my own free will:

After my daughter Gertrud wanted to separate from the Communist Party, I stopped paying the monthly dues. This occurred in June 1949. From that month on she was no longer a member of the party.

Born February 1, 1880, Neustadt in Odenwald.

(Signature) PHILIPP KOCH.

This is a true translation.

GARY DANIEL,
Private, United States Army.

H. R. 3021

The beneficiary is a 33-year-old native and citizen of Mexico, who presently resides in that country. On April 11, 1945, the beneficiary entered the United States as a United States citizen by using a false birth certificate in the name of another person. On August 26, 1946, he was married to a citizen of the United States. The couple has 4 children who are citizens of the United States. On July 15, 1953, the beneficiary was deported on the grounds that he admits the commission of the crime of perjury, and was residing illegally in the United States. He last entered the United States illegally on March 30, 1954, and was deported on April 7, 1954. The beneficiary's wife and 4 children are being supported by public funds in his absence. Without the waivers provided for in the bill, the beneficiary will be unable to join his family in the United States.

A letter, with attached memorandum, dated June 3, 1955, to the chairman of the Committee on the Judiciary of the House of Repreentatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 3, 1955.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 3021) for the relief of Juan Nestor Vinbela-Medina, there is attached a memoradum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Sacramento, Calif., office of this Service, which has custody of those files.

This bill would waive the provisions of the Immigrations and Nationally Act which exclude from admission into the United States aliens who admit having committed a crime involving moral turpitude, and aliens who have been arrested and deported and who again seek admission without the consent of the Attorney General, and would grant the beneficiary permanent residence if he is found to be otherwise admissible. The bill would also provide that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE JUAN NESTOR VINBELA-MEDINA, BENEFICIARY OF H. R. 3021

Juan Nestor Vinbela-Medina, alias Ignacio Banuelos-Bonilla, also known as Juan Nestor and Nestor Binbela, was born in Tecuala, Nayarit, Mexico, on February 26, 1922, and is a citizen of Mexico. He was married on August 26, 1946, at Reno, Nev., to Martha Vera, who is a native-born citizen of the United States. By this marriage he has four daughters, all of whom were born in the United States and who reside at Vacaville, Calif., with the mother. The beneficiary now resides in Mexicali, Baja California, Mexico. He is a butcher by trade, and has also done farmwork and construction work in the United States. His wife and children are being supported by public funds while he is in Mexico. His mother, a brother, and a sister are residents of Mexico and are citizens of that country.

The beneficiary entered the United States on April 11, 1945, at El Paso, Tex., as a United States citizen by using a false birth certificate in the name of Ignacio Banuelos-Bonilla. He was deported on July 15, 1953, on the charges that he admits having committed a crime involving moral turpitude (perjury), and that at the time of his entry he was not in possession of a valid immigration visa. He again entered the United States illegally and was permitted to depart to Mexico on February 15, 1954, at Calexico, Calif., without the institution of deportation proceedings. He last entered the United States on March 30, 1954, and was again deported to Mexico on April 7, 1954.

In addition, the Director of the Visa Office, Department of State, submitted the following report on the case dated May 6, 1955, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE
Washington, May 6, 1955.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 3, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Juan Nester Vinbela-Medina, beneficiary of H. R. 3021, 84th Congress, 1st session.

There is enclosed a copy of a self-explanatory communication dated March 24, 1955, from the American consulate at Tijuana, Mexico.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Mr. Vinbela Medina would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

OPERATIONS MEMORANDUM

MARCH 24, 1955.

To: Department of State.
From: AMCONSULATE, Tijuana, Mexico.
Subject: VISAS—Immigrant case of Juan N. Vinbela-Medina.
Ref: Department's CMV—105, March 17, 1955.

The files of the consulate contain a record of one Nestor Binbela Medina, born at Tecuala, Nayarit, Mexico on February 26, 1922, who is believed to be the same person as the subject of the Department's communication.

Mr. Binbela submitted a preliminary application for an immigrant visa on June 8, 1954, and he was informally refused a visa on October 13, 1954, under section 212 (a) (17) of the Immigration and Nationality Act.

A memorandum prepared by the officer who refused the case states as follows:

"Appl. deported April 12, 1954. Permission to reapply has been denied. (Appl. says permission was denied because he had entered the U. S. by exhibiting the birth certificate of a U. S. citizen, Ignacio Banuelos.)"

A report received from the office of the Immigration and Naturalization Service at Calexico, Calif. states as follows:

"Subject by this name deported at Calexico on April 12, 1954; Used name of Juan Nestor, father Miguel and mother Maria; 5-8; 151#; same birth date. DCW A7392061; Also on same date another person by name of Juan Vinbela, same mother and father, born Valpariso, Zac, Mex., was deported,"

Congressman John F. Baldwin, the author of the bill, submitted the following letters in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 7, 1956.

Mr. WALTER BESTERMAN,
Clerk, Subcommittee on Immigration and Nationality,
Judiciary Committee of the House,
Washington, D. C.

DEAR WALTER: On June 16, 1955, Congressman Celler was kind enough to write me that H. R. 3021, a private bill I have introduced for the relief of Juan Nestor Vinbela-Medina, had been docketed for consideration by your subcommittee.

I would deeply appreciate it if a hearing can be scheduled as soon as possible on this bill.

The beneficiary in this case has a wife and four children who are United States citizens that are living in my district. The early passage of this bill will reunite this family, and also make it possible for the beneficiary to resume the responsibility of providing for his family, which has, in the meantime, been supported by public welfare payments, which has been a considerable financial burden to the Solano County welfare office.

I also wish to take this opportunity to thank you for the excellent cooperation you have shown in the past with reference to my private bills which have come under your jurisdiction. I appreciate the fair

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manner in which you have conducted matters concerning my district.

With kindest regards.

Sincerely yours,

JOHN F. BALDWIN,
Member of Congress.

SACRAMENTO 14, CALIF., *December 28, 1954.*

Re Juan Nestor Binbela.

Congressman JOHN F. BALDWIN,
House Office Building, Washington, D. C.

DEAR MR. BALDWIN: Reference is made to your letter of December 27, 1954, regarding the above-named subject. In answer to your questions, the following is being submitted.

Both the Los Angeles and San Francisco offices of the Immigration and Naturalization Service have considered this case. When the deportation hearing was first considered, the San Francisco office held the hearing. The address of the San Francisco office is 630 Sansome Street, San Francisco, Calif. When he applied for permission to reapply for admission to the United States, after deportation, the Los Angeles office, 458 South Spring Street, Los Angeles 13, Calif., made the decision. It might be well to state at this time that at the first hearing, he was ordered deported but he left the United States voluntarily. He returned to the United States illegally and was deported. That is the reason why the two offices have considered this case.

When the application for permission to reapply for admission to the United States was denied, the decision was based upon the fact that he had admitted the commission of a crime involving moral turpitude, to wit: perjury. This arose out of the fact that he had used the birth certificate of a United States citizen when he sought admission to the United States originally and also had registered under the Selective Service Act as a citizen.

The file of the Immigration and Naturalization Service lists him under the name of Juan Nestor Vinbela-Medina, File No. A7 392 061 E. and D. He claims, however, that his surname should be "Binbela".

We hope that the above will assist you in preparing the necessary documents for Mrs. Binbela. It seems to me that this is truly a hardship case. There is no question but that he did commit perjury when he sought admission to the United States, but in light of his record while in the United States and his family status, he should have been permitted to stay.

With best personal regards, I remain,

Very truly yours,

McGILVRAY, McGILVRAY & CAMERON,
By DANIEL M. CAMERON.

SOLANO COUNTY, CALIF., *July 14, 1954.*

Subject: Nestro Binbela.

To Whom It May Concern:

The undersigned is writing in regard to Nestro Binbela, who worked on one of my ranches in 1953. He proved to be a very good worker, and cultivated, pruned, and sprayed the crops for me.

The purpose of this letter is to inform you that if he is given a visa to reenter the United States, I shall be employing him again to handle my crops. Presently, my crop is starting to ripen, and I could use him very steadily.

I am certain that if he is given the opportunity to reenter the United States, he will be self-supporting, as he is a very ambitious man.

Yours truly,

WM. M. KING.

STATE OF CALIFORNIA,
County of Solano, ss:

On this 26th day of July 1954 before me, Leland Douglas Collins, a notary public in and for the said county of Solano, State of California, residing therein, duly commissioned and sworn, personally appeared William M. King known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

In witness whereof I have hereunto set my hand and affixed my official seal in the said county of Solano the day and year in this certificate first above written.

[SEAL] LELAND DOUGLAS COLLINS,
Notary Public.

My commission expires July 25, 1956.

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Washington, D. C.

[TRANSLATION (SPANISH)]

To Whom It May Concern:

Fidencio Ramirez Burciaga, head of the municipality [mayor] of this town, certifies that Mr. Nestor Bimbela Medina, native and resident of this town, is an honest and industrious individual, and that the office, of which I am in charge, has no unfavorable information concerning him with respect to any crime [he may have committed].

And this document was issued at the request of the interested party for such legal purposes as he may desire to use it for, at Valparaiso, Zacatecas, on July 14, 1954.

FIDENCIO RAMIREZ BURCIAGA.
(Seen) ENRIQUE RIVAS y R.

VACAVILLE POLICE DEPARTMENT,
Solano County, State of California, July 30, 1954.

To Whom It May Concern:

This is to verify that this department has no record of Juan Nestor M. Binbela, of 124 Scroggins Lane, Vacaville, Calif., having ever been in trouble of any kind.

C. ELMER KING, *Chief of Police.*

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 566), as amended, should be enacted.

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Calendar No. 2152

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2129

CERTAIN ALIENS

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 580]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 580) for the relief of certain aliens, having considered the same, reports favorably thereon with an amendment and recommends that the joint resolution, as amended, do pass.

AMENDMENT

On page 1, line 7, strike the name "Lee Fay Fan".

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to grant the status of permanent residence in the United States to 13 aliens. Provision is made for appropriate quota deductions where necessary, and for the payment of the required visa fees. In one case, provision is made for the posting of a bond as a guaranty that the alien will not become a public charge. The joint resolution has been amended to delete one name.

STATEMENT OF FACTS

H. R. 1125

The beneficiaries are husband, wife and minor child, 42, 32 and 10 years of age, respectively, who were last admitted to the United States on May 26, 1947, the adult male beneficiary as a student, and the female and minor beneficiaries as visitors. The adult beneficiaries are natives of Poland, the minor beneficiary a native of Russia, and all are stateless. Two children have been born to the adult beneficiaries since their admission into this country and are United States citizens. The adult male beneficiary is employed as a machine operator, and his wife, minor alien child, and two citizen children are dependent upon him for support.

A letter, with attached memorandum, dated June 2, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 2, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 1125) for the relief of Meyer Urechi, Estera Urechi, and Nathan Urechi, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the New York, N. Y., office of this Service which has custody of those files.

The bill would grant the beneficiaries the status of permanent residents in the United States upon payment of the required visa fees. It would also direct that three numbers be deducted from the appropriate immigration quotas.

Meyer Urechi and Estera Urechi are chargeable to the quota of Poland. Nathan Urechi is chargeable to the quota of Russia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MEYER URECHI, ESTERA URECHI AND NATHAN URECHI, BENEFICIARIES OF H. R. 1155

The beneficiaries, Meyer Urechi, Estera Urechi, and Nathan Urechi, are husband, wife, and minor child. The adult beneficiaries are natives of Poland. The adult male beneficiary was born on December 2, 1913; the female beneficiary was born on August 14, 1923. The minor beneficiary was born on January 3, 1946, in Russia. All of the beneficiaries are stateless. They reside at 437 Barvey Street, Brooklyn, N. Y. The adult male beneficiary attended public and rabbinical school for approximately 17 years. He is presently employed as a machine operator by Sirac, Inc., in New York City and earns approximately $85 per week. His assets, owned jointly with his wife, consist of $500 in a savings account and personal property valued at about $2,000. He married the female beneficiary on January 28, 1944, in Russia. Since their arrival in the United States, two children have been born to the adult beneficiaries. He has no close relatives other than his wife and children.

The female beneficiary attended public school in Poland for a period of 8 years. She is a housewife. Her mother and two brothers reside in Lithuania.

The beneficiaries arrived at New York, N. Y., on May 26, 1947, on the steamship *Sobieski*, at which time the adult male beneficiary was admitted as a student, and the female

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and minor beneficiaries were admitted as visitors. Mr. Urechi was admitted to May 1, 1948, his wife and child were admitted for 1 year. Each of the subjects subsequently received extensions to November 1, 1948. On November 17, 1948, warrants of arrest in deportation proceedings were issue against each of the adult beneficiaries on the ground that they remained in the United States for a longer time than permitted. On February 15, 1951, after a hearing, this Service authorized suspension of deportation for the adult beneficiaries. However, such action failed to receive congressional approval and they were subsequently granted voluntary departure with the alternative of deportation if they failed to depart. On May 24, 1954, a warrant of arrest was issued against the minor beneficiary on the grounds that he failed to comply with the terms of his admission. On February 24, 1955, all of the beneficiaries were given a hearing on their warrants of arrest. The adult beneficiaries' original hearing was invalid as a result of the Supreme Court decision in the case of *Wong Yang Sung* v. *McGrath*. All of the beneficiaries were granted the privilege of voluntary departure with the alternative of deportation if they failed to depart. To date, the beneficiaries have not availed themselves of this privilege.

Private bill H. R. 5124 was previously introduced in behalf of the beneficiaries on May 11, 1953, in the 83d Congress.

In addition, a memorandum of information submitted to the Committee on the Judiciary of the House of Representatives by the Commissioner of Immigration and Naturalization relating to a similar bill pending in the 83d Congress for the relief of the same beneficiaries, reads as follows:

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MEYER URECHI, ESTERA URECHI, AND NATHAN URECHI, BENEFICIARIES OF H. R. 5124

Meyer Urecki, whose correct name is Urecka, also known as Major Urecki, and as Nathan Urechi, is married, is a native and citizen of Poland, and was born on December 3, 1913. The alien Estera Urecki, the wife of Meyer Urecki, was born on August 14, 1923, and is also a native and citizen of Poland. The alien Nathan (Noach) Urecki, the son of Meyer and Estera Urecki, was born on January 3, 1946, and is a citizen of Russia. The last foreign residence of these three aliens was France. They last entered the United States on May 26, 1947, at the port of New York, Meyer Urecki being admitted as an alien student until May 1, 1948, destined to the Messifta Talmudical Seminary at Brooklyn, N. Y. Estera and Nathan Urecki were admitted as temporary visitors for a period of 1 year. The beneficiaries were granted extensions of their temporary stay. The last expiring on November 1, 1948. On November 17, 1948, warrants of arrest in deportation proceedings were issued against the two adult aliens. On February 15, 1951, after

a hearing, suspension of deportation was authorized by this Service. However, such action failed of congressional approval, and the beneficiaries were granted the privilege of departing voluntarily from the United States on or before May 13, 1953. They have not availed themselves of that privilege.

The alien Meyer Urecki, testified that prior to the age of 11 he attended a private school, and thereafter commenced his studies at a Yeshivah in Poland. His studies were interrupted by World War II, during which time he worked in the Middle East, returning to Poland at the termination of the war. He married his cousin, Estera Urecki, on January 28, 1944, in Russia, where their son Noach was born. They resided in Czechoslovakia and later France before coming to this country. In addition to their son Noach, they have one other son, Elias, who was born on February 16, 1948, at Brooklyn, N. Y. Meyer Urecki stated that he has been employed by various hat companies in New York since June 28, 1948. He is presently employed by Sirac, Inc., at Brooklyn, N. Y., as operator at a salary of $85 per week. He is the sole support of his wife and two children.

Estera Urecki testified that she attended public schools in Poland and has been with her husband constantly since their marriage. She is not employed.

The alien, Nathan (Noach) Urecki is attending school in Brooklyn, N. Y. He is in second year English and fourth year Hebrew languages.

The following letter was addressed to the chairman of a subcommittee of the Committee on the Judiciary of the House of Representatives by the uncle of the adult male beneficiary, concerning the case:

NEW YORK, N. Y., *November 21, 1955.*

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee No. 1, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have not heretofore answered your letter of August 3, 1955, concerning private bill, H. R. 1125, because I knew from the newspapers that you were being kept extremely busy and I did not want to intrude my affairs upon you. Nevertheless your letter has been on my mind and has troubled me greatly, for it is clear to me that my desire to be as brief as I could when I wrote you on July 25, 1955, resulted in an injustice both to a very fine private voluntary agency and to my nephew and his family.

In my letter of July 25, 1955, I have this sentence:

"During the pendency of the section 6 application, Mr. Urecki was advised by a private voluntary agency that, in view of the fact that the recommendation of the Service in 1951 had not been approved by Congress, administrative relief would not be available to him under section 6 and that his application might in fact prejudice the private bill which Representative Keogh had introduced on his behalf."

On the basis of this sentence, you very properly concluded that the private voluntary agency which I referred to, was guilty of giving my nephew bad advice. Actually the guilt is mine and you can imagine what a burden I now feel it to be. If I had not tried, in my desire to

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be brief, to combine 2 ideas into 1 paragraph, this misunderstanding would not have arisen, but since it has, permit me to say now what I should have said then.

The private voluntary agency was the one that advised me to seek to have introduced, on my nephew's behalf, a private bill. I followed their advice and did so. The rest of the advice which my nephew received was not from the private agency, but from me. Actually what happened was this. During the pendency of the private bill, I was advised to have my nephew seek relief under section 6 of the Refugee Relief Act of 1953 and I did so. At that time I had very little knowledge of the prior proceedings in my nephew's case. During the pendency of the section 6 application, I learned for the first time that in 1951 my nephew had applied for administrative relief under the provisions of section 19 (c) of the Immigration Act of 1917 and that the Immigration and Naturalization Service had entered an order recommending suspension of deportation but that Congress had failed to act on this recommendation.

When this came to my knowledge, I concluded, erroneously, it is now clear, that the action of Congress had foreclosed further administrative relief under section 6, in view of the fact that it was my understanding that even under a section 6 application, it would be necessary for Congress to act favorably if my nephew were to receive any relief. It seemed to me that since Congress had originally failed to act, there was no further basis for a hope of congressional action following administrative procedures. This was, as I say, my own conclusion as a layman.

I feel very badly about it and it makes me very unhappy that in my letter I coupled my own conclusion with the perfectly valid advice given me by the voluntary agency.

Naturally my mind and my heart have been burdened with the knowledge that I, in my desire to be helpful, may have inadvertently hurt my nephew's case. I do hope that this letter will clear the matter up.

I might add this, that in a sense my nephew did apply for further administrative relief. I hesitate now, in view of my previous mistake, to summarize what happened in the Immigration and Naturalization Service, but as I understand it, the situation is this. On February 24, 1955, my nephew and his family appeared at a hearing de novo on their application under section 19 (c). As I understand it, at that hearing my nephew requested that the original application which he had made in 1951 be considered as being then existing. The special inquiry officer handed down a decision, part of which reads as follows:

"The adult respondents would therefore appear to qualify for suspension of deportation on the ground of economic detriment to their citizen child under section 19 (c) (a) of the Immigration Act of 1917 and also on the ground of 7 years' residence under section 19 (c) (2) (b) of the same act. The minor respondent appears to qualify for suspension of deportation under section 19 (c) (b) of the act * * *. In view of the fact that the adult respondents' applications for suspension of deportation have previously been acted upon by the Service and rejected by Congress it is questionable whether the same applications may be considered as existing applications whose validity was preserved under section 405 (a) of the Immigration and Nationality

Act. However, even if this issue be resolved in the respondents' favor and it be assumed that the applications are valid ones, nevertheless as a matter of administrative discretion the application for suspension of deportation should be denied at this time since Congress has already rejected the applications and no useful purpose would be served in resubmitting the cases at this time, despite the lapse of time since the cases were originally presented to Congress."

When this decision was handed down, the voluntary agency was consulted as to the advisability of an appeal. Their feeling at that time was that they could not say what the likely outcome of such an appeal would be. Because an appeal would have required filing fees of $75 and because my nephew is a worker with a large family to support, I concluded, erroneously again, perhaps, that he could not afford to spend this sum unless there was more than a fair likelihood of the appeal being successful. I therefore advised him not to appeal.

In conclusion, may I say two things: First, I hope that this letter clears up any implication that the bad advice my nephew got was from anybody other than myself; the second, I still look forward to the privilege of seeing you personally on this matter at any time at your convenience, if the state of my health permits me to travel to Washington.

I want to thank you more than I can say, for the consideration you have given this case up to now.

Respectfully yours,

MAX ZARITSKY.

H. R. 1510

The beneficiaries are husband and wife, 36 and 29 years of age, respectively. Both beneficiaries are natives of China and last residents of Formosa. The male beneficiary last entered the United States on September 16, 1951, as a student to attend Columbia University School of Public Health, and the female beneficiary last entered the United States on March 29, 1952, as an exchange visitor. The beneficiaries were married in the United States on July 14, 1952, and they have two children who are citizens of the United States. The male beneficiary is a physician and since July 1954, has been on the staff of the Cresson State Hospital in Cresson, Pa., where he is specializing in diseases of the chest. It is stated that his services are needed because of the difficulty in obtaining qualified personnel. The female beneficiary is a nurse by profession.

A letter, with attached memorandum, dated June 23, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 23, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 1510) for the relief of Dr. Shan-Ho Ma and Tsui-Ou Cheng Ma there is attached a memorandum of information concerning the beneficiaries. This memorandum has been

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prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Pittsburgh, Pa., office of this Service, which has custody of those files.

The bill would grant the beneficiaries permanent residence in the United States upon payment of the required visa fees. It would also direct that two numbers be deducted from the appropriate immigration quota.

The beneficiaries are chargeable to the quota for the Chinese.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MA, DR. SHAN-HO AND TSUI-OU CHENG, BENEFICIARIES OF H. R. 1510

The beneficiary, Dr. Shan-Ho Ma, was born on October 15, 1919, in Foochow, Fukien, China. His last residence abroad was in Formosa. He entered the United States at Seattle, Wash., on September 16, 1951, and was admitted as a student to attend Columbia University School of Public Health. He completed this course of study in June 1952.

The beneficiary, Tsui-Ou Cheng Ma, was born on May 12, 1927, in Foochow, Fukien, China. Her last residence abroad was in Formosa. She entered the United States at Seattle, Wash., on March 29, 1952, at which time she was admitted as an exchange visitor.

The beneficiaries were married at New York, N. Y., on July 14, 1952. On September 22, 1953, a daughter, Mona, was born to the beneficiaries at Cleveland, Ohio. Both of the beneficiaries failed to comply with the conditions of their admission and deportation proceedings were instituted against them. They have been found deportable and have been granted the privilege of voluntarily departing from the United States. In entering the order granting the beneficiaries voluntary departure, it was provided that if they failed to depart within the period set for their departure, that such privilege was to be withdrawn and the beneficiaries were to be deported from the United States. To date they have failed to avail themselves of this privilege. The beneficiary, Dr. Ma, applied for a change of his status to that of a permanent resident under section 245 of the Immigration and Nationality Act. This application was disapproved. The beneficiary, Mrs. Ma, filed an application for adjustment of her status to that of a permanent resident under the Refugee Relief Act of 1953. This application was also disapproved.

The beneficiary, Dr. Ma, is a physician. He received his degree of doctor of medicine at Kungsi, China, in 1944. In 1952, he received the degree of master of public health at Columbia University, New York, N. Y. He served as a physician at Montefiore Hospital, Bedford Hills, N. Y., from January to June 1953, and at Cleveland City Hospital, Cleveland, Ohio, from July 1953 to July 1954. In July 1954, he was appointed to the staff of the Cresson State Hospital, Cresson, Pa., his present place of employment, as a physician at an annual salary of $4,500 per year.

Mrs. Ma is a nurse by profession. Her mother, father, 3 brothers, and 5 sisters reside in Foochow, China. Dr. Ma's mother, father, 2 brothers, and 1 sister reside in Foochow, China. The beneficiaries are presently residing on the grounds of the Cresson Sanitarium, Cresson, Pa.

Congressman James E. Van Zandt, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and testified in support of the bill, as follows:

STATEMENT BY REPRESENTATIVE JAMES E. VAN ZANDT, MEMBER OF CONGRESS, 20TH DISTRICT OF PENNSYLVANIA, IN SUPPORT OF H. R. 1510, A BILL FOR THE RELIEF OF DR. SHAN-HO MA AND TSUI OU CHENG, MARCH 5, 1956

Mr. Chairman, the opportunity to appear before this subcommittee of the House Committee on the Judiciary in support of my bill, H. R. 1510, is deeply appreciated.

As the author of H. R. 1510, I should like to outline the reasons that prompted the introduction of the legislation.

During the latter part of September 1954, I was contacted by Rev. George E. Johnson, pastor of the First Methodist Church, Altoona, Pa., who requested my assistance in connection with the application of Dr. and Mrs. Shan-Ho Ma for American citizenship.

As a result of this request, I contacted the Pittsburgh, Pa., office of the Immigration and Naturalization Service and was informed that Dr. Ma and his wife were admitted to the United States for a temporary period of time and were not eligible for citizenship. I was also informed that a conference with Dr. and Mrs. Ma had been scheduled in Pittsburgh, Pa., September 29, 1954, for further consideration of their cases.

On October 8, 1954, Commissioner J. M. Swing of the Immigration and Naturalization Service informed me by letter as follows:

"Dr. and Mrs. Ma are residing in the country in an illegal status, each of them having overstayed the temporary period for which they originally were admitted. The subjects desire to remain permanently in the United States. Dr. Ma applied for an adjustment of his immigration status under section 245 of the Immigration and Nationality Act. His wife applied for adjustment of her status under section 6 of the Refugee Relief Act of 1953. It was found necessary to deny both requests for adjustment of status since Dr. and Mrs. Ma did not meet the requirements for relief under those acts.

"The office of the district director of this Service, Philadelphia, Pa., under whose jurisdiction the subjects reside, will be instructed to give Dr. and Mrs. Ma a reasonable time within which to arrange for and effect their departure to Formosa. However, deportation proceedings will be instituted in the event they fail to leave the country within the period granted them to depart by the district director."

Dr. and Mrs. Ma, in a letter dated October 12, 1954, from

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Mr. C. Garfinkel, officer in charge of the Pittsburgh, Pa., office of the Immigration and Naturalization Service, were informed as follows:

"Our central office in Washington, D. C., has instructed this office to advise you that favorable consideration may not be given to your request to remain longer in the United States. This office was also directed to advise you to make immediate arrangements to depart from the United States to Formosa.

"Pursuant to these instructions from our central office, you are hereby granted until December 1, 1954, in which to effect your departure from the United States to Formosa. If you fail to depart from the United States to Formosa on or before December 1, 1954, it will be necessary to institute deportation proceedings against you."

With the deadline of December 1, 1954, having been established as the date of the departure from the United States of Dr. and Mrs. Ma, I received further appeal for assistance from Rev. George E. Johnson of Altoona, Pa., and from Dr. Harry W. Weest, medical director of the Cresson Tuberculosis Sanatorium, Cresson, Pa., where Dr. and Mrs. Ma are presently located.

In addition, Dr. M. C. Stayer, director of the Pennsylvania State Bureau of Tuberculosis Control, Harrisburg, Pa., contacted the Immigration and Naturalization Service stating that "because of a technicality in the admission of Dr. and Mrs. Ma to this country" they were being asked to leave for Formosa December 1, 1954.

Dr. Stayer pointed out that Dr. Ma is on the staff in the State Sanatorium at Cresson, Pa., for training purposes in chest diseases and that "his professional services are needed because of the difficulty in obtaining qualified personnel." He concluded by stating "I understand that Dr. Ma entered this country under the exchange-visitors program for which this health department's institutions participate under program No. P–1828. Favorable consideration is requested for extension of time in this instance."

Dr. Harry W. Weest, medical director of the Cresson, Pa., Tuberculosis Sanatorium also wrote the Immigration and Naturalization Service under date of October 26, 1954, stating that Dr. Ma was trained in tuberculosis work at the Montefiore Hospital, New York City, and at the Cleveland City Hospital, Cleveland, Ohio. He also stressed the shortage of doctors stating it was his belief that should Dr. Ma be compelled to depart for Formosa December 1, 1954, the progress of patients under his care would be jeopardized.

Dr. Weest also contacted Miss Madeline L. Greco, specialist on technical services, American Service Institute of Allegheny County, Pittsburgh, Pa., who in turn wrote to the Pittsburgh office of the Immigration and Naturalization Service November 2, 1954, and stated in part—"Since the best interests of the Commonwealth of Pennsylvania's Health Department are served by the retention of Dr. Ma on the

Cresson Sanatorium's staff, we trust that favorable consideration can be given to the request for a continuation of his services at least until the term of his appointment is completed."

Dr. Russell E. Teague, secretary of health, Commonwealth of Pennsylvania, Harrisburg, Pa., also wrote on October 29, 1954, to the Immigration and Naturalization Service requesting an extension of stay to July 1, 1955, and received a reply stating that the request had been denied.

Dr. Teague was informed that if Dr. Ma did not depart from the United States on or before December 1, 1954, the Pittsburgh office of the Immigration and Naturalization Service had been instructed to proceed with the deportation proceedings. It was added that "if deportation proceedings result in an order requiring departure or deportation, consideration will be given to a request by your department for a stay of enforced departure or deportation to July 1, 1955."

Acting on the advice in a letter dated November 16, 1954, from Miss Madeline Greco, of the American Service Institute of Allegheny County, Pittsburgh, Pa., Dr. Ma elected to remain in the United States and allow the deportation proceedings to be instituted with the prospect that the date of departure could be extended to July 1, 1955.

When the 84th Congress convened January 5, 1955, I introduced private bill, H. R. 1510, for the relief of Dr. and Mrs. Ma at the request of Rev. George E. Johnson, Dr. Harry W. Weest, Miss Madeline Greco, and Dr. and Mrs. Ma.

In response to my request for an extension of the period fixed for departure of Dr. and Mrs. Ma from the United States, I was advised in a letter I received dated October 27, 1955, from Commissioner J. M. Swing of the Immigration and Naturalization Service that the date of departure of Dr. and Mrs. Ma had been extended to August 1, 1956.

Mr. Chairman, for the information of this committee, Dr. Shan-Ho Ma was born October 15, 1919, in Foochow, China. His last residence was in Formosa to where he states he was forced to flee as an ardent anti-Communist before Canton, China, in which he was residing, was overtaken by the Communists.

Dr. Ma is a physician receiving his degree of doctor of medicine at Kungsi, China, in 1944. He entered the United States at Seattle, Wash., on September 16, 1951, and was admitted as a student to attend Columbia University School of Public Health, New York City, where he completed this course of study in June, 1952, receiving the degree of master of public health.

Dr. Ma served as a physician at Montefiore Hospital, Bedford Hills, N. Y., from January to June, 1953, and at Cleveland City Hospital, Cleveland, Ohio, from July 1953 to July 1954.

In July, 1954, Dr. Ma was appointed to the staff of the Cresson State Hospital, Cresson, Pa., his present place of employment, as a physician at an annual salary of $4,500.

Dr. Ma's mother, father, and five sisters reside in Foochow, China.

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Mrs. Tsui Ou Cheng Ma, wife of Dr. Ma, was born May 12, 1927, in Foochow, Fukein, China. Her last residence abroad was in Formosa. She entered the United States at Seattle, Wash., March 29, 1952, at which time she was admitted as an exchange visitor.

Mrs. Ma is a nurse by profession and was married to Dr. Ma at New York City July 14, 1952. On September 22, 1953, a daughter, Mona, was born to Dr. and Mrs. Ma at Cleveland, Ohio, and in September 1955, a second child was born at Cresson, Pa.

Mrs. Ma's mother, father, 3 brothers, and 5 sisters reside in Foochow, China.

Dr. and Mrs. Ma reside on the grounds of the Cresson State Sanatorium, Cresson, Pa.

Mr. Chairman, it is my understanding that Rev. H. O. Halbert, pastor of the Trinity Episcopal Church, Easton, Pa., wrote to you in January of this year concerning H. R. 1510 and expressed the hope that the legislation could be given favorable consideration.

I am informed, Mr. Chairman, that you wrote Reverend Halbert on January 31, 1956, for clarification of the status of the beneficiaries of H. R. 1510 and that the information has been forwarded to you.

According to the information furnished me by Dr. Ma, he fled from Canton, China, to Formosa when it became evident that the Communists would overrun the mainland of China, as Formosa was the only temporary refuge open under the emergency conditions which existed at that time.

Dr. Ma has stressed the fact that his parents and relatives, as well as the parents and relatives of his wife, are still living in Foochow, China, and that both he and his wife took temporary refuge in Formosa, never intending to abandon Foochow but being forced to do so because the Communists were bent upon occupying the mainland of China.

Dr. and Mrs. Ma contend that Formosa was never their real home but only a temporary refuge until they could obtain visas to the United States.

Mr. Chairman, in a view of the fine letters of recommendation which I have received from Rev. George E. Johnson, of Altoona, Pa., and from officials of the Cresson Sanatorium concerning the character and reputation of Dr. and Mrs. Ma, I am hopeful that this subcommittee can give favorable consideration to H. R. 1510.

Mr. Chairman, in concluding my remarks, since Dr. and Mrs. Ma have not had the opportunity to testify in person before this committee, I should like to have included in my remarks the following letter by Dr. Shan-Ho Ma and his wife, Tsui Ou Cheng Ma, beneficiaries of H. R. 1510:

In addition, the following letters in support of the bill were submitted to a subcommittee of the Committee on the Judiciary of the House of Representatives:

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HEALTH,
BUREAU OF TUBERCULOSIS CONTROL,
Harrisburg, December 2, 1955.

Hon. FRANCIS E. WALTER,
Chairman of the Committee on the Judiciary,
Subcommittee No. 1, Easton, Pa.

DEAR MR. WALTER: I am writing this letter in the interest of Dr. Shon-Ho Ma who was appointed to our medical staff at the State sanitorium at Cresson, Pa., on July 1, 1954.

Dr. Ma and Mrs. Ma have been an asset to us not only professionally but have been accepted well by the staff and the community. To the best of our knowledge neither Dr. Ma nor Mrs. Ma have any communistic leanings.

We hope that you and your committee will look favorably on House bill H. R. 1510, introduced by Congressman James E. Van Zandt.

Sincerely yours,

M. C. STAYER, M. D., *Director.*

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HEALTH,
Harrisburg, December 2, 1955.

Hon. FRANCIS E. WALTER,
Chairman of the Committee on the Judiciary,
Subcommittee No. 1, Easton, Pa.

DEAR MR. WALTER: I wish to solicit your favorable support for House bill H. R. 1510, sponsored by Congressman James E. Van Zandt, for the relief of Dr. Shon-Ho Ma, who is currently employed on our professional staff at the State sanatorium at Cresson, Pa.

Dr. Ma's services are urgently needed at the institution because of the shortage of physicians. He is highly regarded and recommended by Dr. Weest, the medical director.

Dr. Ma and his wife both have been at that institution since July 1, 1954. To the best of our knowledge, neither Dr. Ma or Mrs. Ma have communistic leanings.

Sincerely yours,

BERWYN F. MATTISON, M. D.,
Secretary of Health.

H. R. 3163

The beneficiary is a 26-year-old native and citizen of Greece, who last entered the United States on February 28, 1951, as a seaman. Prior to his last entry, the beneficiary made numerous entries into the United States as a seaman. On May 14, 1951, the beneficiary was inducted into the United States Army. He served in the United States and abroad until his honorable discharge on April 22, 1953. On May 6, 1954, the beneficiary filed a petition for naturalization under the provisions of Public Law 86, 83d Congress, but was found statutorily ineligible inasmuch as he did not have the required 1 year's residence in the United States prior to his induction into the Armed Forces. The beneficiary is employed as a free-lance machinist for various ship-repair companies.

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A letter, with attached memorandum, dated June 3, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 3, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 3163) for the relief of George Mechial Mourkakos, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the beneficiary the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Greece.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE GEORGE MECHIAL MOURKAKOS, BENEFICIARY OF H. R. 3163

The beneficiary, George Mechial Mourkakos, was born on October 4, 1929, in Laconia, Greece, and is a citizen of Greece. He is unmarried and has no close relatives in the United States. His parents, 3 brothers, and 1 sister reside in Greece. He resides in the Bronx, N. Y., and is employed as a freelance machinist for various ship-repair companies in Brooklyn, N. Y. His average weekly earnings amount to approximatley $58. The beneficiary claims to have assets consisting of some $1,000 in savings, and clothing and personal effects valued at approximately $800. The beneficiary claims to have attended the Aristimides Engineering School in Perama, Greece, between 1941 and 1949.

The beneficiary last entered the United States on February 28, 1951, at Philadelphia, Pa., as a member of the crew of the steamship *Norlandia*. He had been shipping in and out of the United States as a seaman since April 1948. On April 22, 1953, deportation proceedings were instituted with the issuance of a warrant of arrest which charged that he had failed to comply with the conditions of his nonimmigrant status. A hearing was accorded him on June 26, 1953, and he was found to be deportable on the charge contained in the warrant of arrest. An order was entered granting him the privilege of voluntarily departing from the United States at his own expense with an alternative order of deportation in the event he failed to so depart. On April 6, 1954, the Board

of Immigration Appeals ordered dismissal of an appeal by the beneficiary.

On May 14, 1951, the beneficiary was inducted into the United States Army. He served in the United States and abroad until his honorable discharge on April 22, 1953. On May 6, 1954, the beneficiary filed a petition for naturalization under the provisions of Public Law 86, 83d Congress, as a former member of the Armed Forces. However, the beneficiary is not statutorily eligible for naturalization under the provisions of that law inasmuch as he is unable to demonstrate that he had 1 year of residence in the United States before his entry into the Armed Forces. Private bill H. R. 6193, introduced on July 9, 1953, in the 83d Congress, for the relief of the beneficiary, failed of enactment.

Congressman James G. Donovan, the author of the bill, submitted the following letter in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 20, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I am writing concerning H. R. 3163 which I introduced for the relief of George Mechial Mourkakos.

The beneficiary was born on October 4, 1929, in Laconia, Greece. He last entered the United States on February 28, 1951, at Philadelphia.

Mr. Mourkakos was inducted into the United States Army on May 14, 1951. He served in the Army 1 year 11 months and 9 days, 18 months and 9 days of which were served overseas. He received an honorable discharge on April 22, 1953. In January 1953, while serving overseas, he wrote to the Department of Justice of his desire to become a citizen. He received a letter dated January 28, 1953, signed by Carl B. Hyatt, Assistant Commissioner, Citizenship Services and Instructions Division, Washington, D. C., advising him as follows: "There is no provision of law for the naturalization of a person in the Armed Forces while outside the United States. Upon your return to the United States you may apply at the nearest office of this Service for the appropriate application form and any information or advice necessary. There is enclosed a list of the offices of this Service for your convenience."

When Mr. Mourkakos returned to the United States and shortly before he was to be discharged from the Army, an inquiry as to an application for citizenship was made to the Immigration Office in Newark. On April 22, 1953, the same date as his discharge from the Army, deportation proceedings were instituted with the issuance of a warrant of arrest which charged that he had failed to comply with the conditions of his nonimmigrant status. At the time of his discharge from the Army, Mr. Mourkakos was placed in the United States Army Reserve for a period of 5 years.

I am advised by your committee that all the evidence necessary for a hearing on the bill is now at hand. I will appreciate your

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scheduling the bill for hearing and notifying me so that I may appear before the committee in behalf of the bill.

Very sincerely yours,

JAMES G. DONOVAN.

H. R. 3167

The beneficiaries are a 46-year-old husband, his 45-year-old-wife, and their 2 minor children, all of whom are natives and citizens of Korea. They were last admitted to the United States on July 8, 1948, as visitors. The adult male beneficiary first entered the United States in 1937, when he was admitted as a student. He attended school in this country from 1937 to 1942. From 1942 to 1945, he was employed in the Office of Censorship. He returned to Korea and worked as dean of men of the United States military government, Seoul National University, and as liaison officer for the Department of Education, United States military government. Since 1949, he has worked for the Voice of America, and presently serves as an announcer, translator, and script writer. The adult beneficiaries have three children who were born in the United States, and, in addition, they have adopted a child.

A letter, with attached memorandum, dated November 25, 1953, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending in behalf of the adult beneficiaries, reads as follows:

NOVEMBER 25, 1953.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4618) for the relief of Kim Suingtuk Jacob and Mrs. Tai Kang Kim, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiaries.

The bill would grant the aliens permanent residence in the United States upon payment of the required visa fees. It would also direct that two numbers be deducted from the appropriate immigration quota.

The aliens are chargeable to the quota of Korea.

Sincerely,

ARGYLE R. MACKEY, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KIM SUINGTUK JACOB AND MRS. TAI KANG KIM, BENEFICIARIES OF H. R. 4618

The alien, Kim Suingtuk Jacob, was born on September 17, 1909, at Tyong Yang, Korea. He is also known as Sung Duk Kim. The alien, Mrs. Tai Kang Kim, also known as Alice Kim and Tai Kang Hahn, was born on September 17, 1910, at Kahpyong-Gun, Korea. The beneficiaries last entered the United States on July 8, 1948, at San Francisco, Calif., and were admitted as visitors. They were granted an extension of stay to July 1, 1949, which was later extended to October

1, 1949. On February 24, 1950, deportation proceedings were instituted. On November 15, 1950, at a hearing to determine their deportability the hearing officer recommended that they had established eligibility for suspension of deportation. Congress did not approve suspension of deportation and they were allowed the privilege of voluntary departure, such departure to be effected on or before May 2, 1953.

The beneficiaries were married on August 31, 1937, in Manchuria. They have 3 children born in the United States, 2 children born in Korea, and an adopted daughter. One of the children, age 6, resides with the male subject's 75-year-old mother, in Korea.

The male beneficiary first entered the United States in 1937 and was admitted as a student. He attended school in the United States from 1937 to 1942. From 1942 to 1945 he worked in the Office of Censorship in New York. In 1945 he returned to Korea. While in Korea he worked as dean of men of the United States military government, Seoul National University, and as liaison officer for the Department of Education, United States military government. Since 1949 he has worked for the Voice of America and his present salary is approximately $5,900 per year. At present he is employed as an announcer, translator, and script writer. The female beneficiary completed 2 years of college in Korea.

Congressman James G. Donovan, the author of the bill, submitted the following letter in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 20, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I am writing with regard to my private bill, H. R. 3167, reintroduced on January 26, 1955, for the relief of Kim Suingtuk Jacob and family.

Mr. Kim first entered the United States in 1937 as a student. He has a master's degree from Princeton University. From 1942 until 1945 he was employed in the Office of Censorship in New York City. Mr. Kim returned to Korea in 1945 and was employed with the United States military government at Seoul.

The beneficiaries were last admitted to the United States in July 1948, at San Francisco. They applied for adjustment of their status and although their applications were approved by Immigration and Naturalization Service and their cases referred to Congress, they failed to receive the approval of the Congress.

In addition to the minor beneficiaries mentioned in the bill, the Kims have 4 other minor children, 1 of them adopted and 3 of whom were born in the United States.

The entire family is dependent upon Mr. Kim, who is employed as a translator and announcer by the United States Information Agency, Washington, D. C.

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As I understand it, there is now on file with the committee all the evidence necessary in order that a hearing may be held upon this bill. I would appreciate your scheduling a hearing on the bill, and I request the opportunity to appear and testify in behalf of the bill.

Very sincerely yours,

JAMES G. DONOVAN.

The following additional letter was referred to the Committee on the Judiciary of the House of Representatives in support of the bill:

LOS ANGELES, CALIF., *July 6, 1955.*

Hon. EMANUEL CELLER,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: May I state for your information that I have known Mr. Jacob S. Kim and his wife and family for 10 years.

Mr. Kim has served the United States Government for more than 10 years. He assisted the United States Government during World War II. He worked in the United States Military Government in Seoul, Korea, from 1945, and served as dean of men at the Seoul National University from 1946 to 1948. He then returned to this country and accepted an appointment with the Voice of America, where he works up to present time.

Mr. Kim is both an educator and a minister. He serves intermittently as an ordained minister at the present time. He has a wife and 6 children, 3 of the children born in this country.

I can most strongly recommend Mr. Kim as a man of the highest character, of the highest intelligence and of great practical ability. He has given without stint to all the tasks which he has undertaken, and I am sure he will make a most helpful and patriotic American citizen, and that Mrs. Kim and the older children will also be valuable additions to our American citizens.

With my sincerest thanks for your efforts to guide Mr. Kim's citizenship resolution (H. R. 3167) to final approval, I am,

Sincerely yours,

SUNTU LEE (or Lee Suntu).

H. R. 3173

The beneficiary is a 44-year-old native of Latvia and last a citizen of Estonia, who arrived in the United States on August 29, 1950, together with other refugees, after having crossed the Atlantic in a small boat. Private Law 655 of the 82d Congress was enacted in behalf of those refugees, which conferred jurisdiction on the Attorney General to consider their applications for adjustment of their immigration status pursuant to the provisions of section 4 of the Displaced Persons Act of 1948, as amended. Inadvertently, the beneficiary was not informed of the necessity to file an application for adjustment of her status following enactment of Private Law 655. The beneficiary was employed as a domestic servant until July 12, 1954.

A letter, with attached memorandum, dated August 17, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

AUGUST 17, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 8956) for the relief of Lydia Kunder, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of these files.

The bill would grant the beneficiary the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Latvia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LYDIA KUNDER, BENEFICIARY OF H. R. 8956

The beneficiary, whose name is correctly spelled Lūdia Kunder, was born in Riga, Latvia, on October 1, 1911, and is a citizen of Estonia, who claims to be stateless. Her only arrival in the United States was at the Port of Boston, Mass., on August 29, 1950, at which time she was excluded by a board of special inquiry by reason of being an immigrant not in possession of a valid immigrant visa.

On February 7, 1951 the Board of Immigration Appeals dismissed her appeal and affirmed the excluding order. However, on March 28, 1951, the beneficiary was paroled into the United States under $500 bond, pending the outcome of private bill S. 2145 which had been introduced in the 82d Congress for the relief of certain displaced persons. On May 29, 1952, private bill S. 2145 was approved and became Private Law 655 of the 82d Congress which authorized the submission of an application for adjustment of status under the Displaced Persons Act of 1948, within 6 months of the effective date of Private Law 655, notwithstanding the fact that the provisions of the Displaced Persons Act of 1948 had expired. However, as the beneficiary was inadvertently not informed of the need for filing application for adjustment of status pursuant to the provisions of Private Law 655, her case was never considered, but she did subsequently file an application for adjustment of status under section 6 of the Refugee Relief Act of 1953, which application was denied on May 27, 1954, on the grounds that she failed to establish a lawful entry into the United States as required by said act. She has been granted until August 29, 1954, to effect her departure from the United States.

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The beneficiary resided in Latvia until 1922 when she moved to Estonia, where she lived until 1944. Fleeing before the spread of communism, she arrived in Sweden in 1944. Then fearing a Russian occupation of Sweden, the beneficiary joined a group of refugees who left Sweden on August 4, 1950, and made its way across the ocean in a small boat finally arriving in the United States.

The beneficiary is single and has no one dependent on her for support. She has no close relatives either in the United States or abroad. She possesses formal education the equivalent of 2 years of work on the university level. Miss Kunder presently resides at 2940 De Witt Place, Bronx, N. Y., and was employed from October 1953 to July 12, 1954, as a domestic servant, earing $50 weekly, by Mr. F. Abbot Goodhue, 16 Ives Road, Hewlett, Long Island, N. Y. Miss Kunder estimates her assets, consisting of cash, a $500 bond posted with this Service, and personal effects, at $2,000.

Congressman James G. Donovan, the author of the bill, submitted the following letter in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 30, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: Your attention is respectfully requested to H. R. 3173, a private bill for the relief of Lydia Kunder.

The beneficiary was born in Riga, Latvia, on October 1, 1911, and is a citizen of Estonia. Her only arrival in the United States was at the port of Boston, Mass., on August 29, 1950. She was excluded by a board of special inquiry by reason of being an immigrant not in possession of a valid immigrant visa. However, she was paroled into the United States under $500 bond, pending the outcome of private bill S. 2145, which had been introduced in the 82d Congress for the relief of certain displaced persons. Private bill S. 2145 was approved and became Private Law 655 of the 82d Congress, and authorized the submission of an application for adjustment of status under the Displaced Persons Act of 1948.

Miss Kunder was inadvertently not informed of the need for filing application for adjustment of status pursuant to the provisions of Private Law 655, and her case was never considered. She did file an application for adjustment of status under section 6 of the Refugee Relief Act of 1953, which application was denied on the grounds that she failed to establish a lawful entry into the United States as required by said act.

As there is no administrative means whereby Miss Kunder may have her status adjusted, I respectfully ask that the bill be scheduled for a hearing, and I request the opportunity to appear and testify in behalf of the bill.

Very sincerely yours,

JAMES G. DONOVAN.

H. R. 6361

The beneficiary is a 47-year-old native and citizen of Poland, who last entered the United States on September 8, 1950, as a visitor. Prior to his entry into the United States, the beneficiary enjoyed a distinguished career as a diplomat with the Polish Government-in-exile in London. Since February 1952, he has been employed by the Polish Service of the Broadcasting Service of the United States Information Agency, as a radio script writer. Officials state that he has proven a very intelligent, conscientious and effective employee and further that no one with the beneficiary's specialized training and experience could be found to substitute for his work.

A letter, with attached memorandum, dated December 9, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 9, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 6361) for the relief of Adam M. Macielinski, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Services files relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. The bill also directs the deduction of one number from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Poland.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ADAM M. MACIELINSKI, BENEFICIARY OF H. R. 6361

The beneficiary is a native and citizen of Poland. He was born on December 5, 1908, in Zborow, Poland. On June 17, 1948, he married Anna Czwartacka, a citizen of Yugoslavia, in San Remo, Italy. They separated by mutual agreement.

Mrs. Macielinski resides in Rome, Italy. Mr. Macielinski resides at 2331 15th Street NW., Washington, D. C.

Mr. Macielinski graduated from the University of Lwow, Poland, in 1931. Thereafter he was a newspaper correspondent in Poland, a secretary of the Polish Embassy in Rome, Italy, and an attaché of the Polish Embassy in

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Ankara, Turkey. He edited Polish Thought in Jerusalem, Palestine. He was connected with the Vatican Radio at Vatican City, Italy, as assistant director of the Polish section. Since entering the United States in 1950 he has been employed by the Department of State, Voice of America, as a script writer. He is presently employed at Washington, D. C., in such capacity at a salary of $6,400 per year. The beneficiary's assets consist of $300 in cash and personal property valued at $500. His father is deceased. His mother resides in Italy. One brother and a sister reside in England. Mr. Macielinski has no relatives or anyone dependent upon him for support in the United States.

The beneficiary was admitted to the United States on September 8, 1950, at New York, N. Y., as a visitor. He failed to comply with the conditions of his admission and deportation proceedings were instituted against him. Such proceedings are now pending.

In addition, the United States Information Agency submitted the following letter dated January 12, 1956, concerning the beneficiary:

UNITED STATES INFORMATION AGENCY,
OFFICE OF THE DIRECTOR,
Washington, January 12, 1956.

Hon. FRANCES E. WALTER,
House of Representatives.

DEAR MR. WALTER: Further reference is made to your letter of December 21, 1955, regarding private bill, H. R. 6361, for the relief of Mr. Adam M. Macielinski.

Mr. Macielinski has been employed by the Polish Service of the Broadcasting Service of the Agency since February 1952 as a radio script writer and has proven a very intelligent, conscientious, and effective employee. He is an expert on international Polish problems because of his distinguished career as a diplomat with the Polish Government-in-exile in London, as assistant director and speaker with the Polish section of Vatican Radio, and as radio commentator of the Polish section of the Italian broadcasting station in Rome. His outstanding talents are a real asset to the Polish Service of the Broadcasting Service.

It is not the policy of the Agency to support private bills for its employees. We hope, however, that this letter provides you with the information you need.

Very truly yours,

THEODORE C. STREIBERT, *Director.*

Congressman Thaddeus M. Machrowicz, the author of the bill, submitted the following letters in support of the bill:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
New York, N. Y., June 6, 1955.

Hon. THADDEUS M. MACHROWICZ,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN MACHROWICZ: This will serve to supplement my communication of April 27, 1955, relative to the case of Mr. Adam M. Macielinski in which you have expressed your interest.

I wish to advise you that Mr. Macielinski was today advised through his representative, Dr. Joseph F. Wachtel, of 210 West 90th Street, New York City, that his application for adjustment of immigration status under the provisions of section 6 of the Refugee Relief Act of 1953 has been denied for the reason that he is able to return to the country of his last residence without fear of persecution on account of race, religion, or political beliefs.

Entire file in this case is this date being transmitted to the appropriate section handling the investigation of immigration status of persons in the United States with a view to determining further action to be taken in the matter.

Sincerely yours,

EDW. J. SHAUGHNESSY,
District Director, New York District.

MARCH 13, 1953.

IRP/E—Mr. Dwight B. Herrick
IRP/E—Joseph C. Gidynski
Mr. Adam M. Macielinski's Request

I am enclosing the request of Mr. Macielinski with the exhibits. In this connection I feel as my duty to state as follows:

Mr. Macielinski, a radio information specialist [RSWriter] employed by the Polish Service of the Voice of America on full-time basis since February 1952 and working in close cooperation with the unit since November 1950, came into the United States in September 1950. His record prior to the arrival to this country discloses that after a distinguished career as a newspaperman and diplomat connected with the Polish Government [in London] he was the assistant director and speaker of the Polish section of the Vatican radio in Vatican City and a radio commentator of the Polish section of the Italian Government broadcasting in Rome, Italy. In both positions he was employed, no doubt, because of his exceptional qualifications as an expert on Polish and international affairs supplemented with profound knowledge of political issues connected with religious and Communist doctrines. These exceptional qualifications have been proven during the time of employment of Mr. Macielinski with the IBS. Furthermore, his performance ratings are cognizant of his highly satisfactory performance of his duties. He is rated as a very intelligent, conscientious, and enthusiastic worker and extremely cooperative, capable of initiative and resourcefulness in providing new ideas and material. His outstanding talents are definitely continuously needed in performance of the work of the Voice of America and undoubtfully urgently needed.

No American citizen of Mr. Macielinski's specialized training and experience could have been found to substitute for his work. His established loyalty to this country and uncompromising views on the necessity to oppose communism are one of the basic characteristics of his general attitude. I can personally vouch for that. In view of the above I respectfully submit that every possible support be given to

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Mr. Macielinski's request in the interest of the Polish Service operation.

I must add that in the year 1951 Mr. Foy D. Kohler then Director of the Voice of America detailed me to Europe among others also for the purpose to recruit for the Voice of America, Polish Service, several Polish talented writers to increase further the effectiveness of the Polish broadcast. Mr. Macielinski is just such a talented writer I would like to bring over from Europe. The actual residence of Mr. Macielinski in this country permitted us to hire him and, thus, saved us a lot of money and trouble.

MARCH 13, 1953.

Through:
NAO/P—Mr. Edward A. Macy.
IRP/E—Mr. John Taliaferro.
IRP/E—Dwight B. Herrick.

Mr. Adam M. Macielinski.

Attached are papers in reference to the extension of Mr. Macielinski's visa to this country.

Mr. Macielinski has been employed by the Polish Service on a full-time basis since February 1952, having arrived in this country in September 1950. Between that date and the date of his full-time employment he had done other work for the Polish Service.

Mr. Macielinski's qualifications as a writer are exceptional. He has done an extremely creditable and valuable job for the VOA in the Polish Service, and it would be impossible to replace him at this time with any citizen, or with another alien since it would be difficult, if not impossible, to find either with his qualifications for the job he is performing. Mr. Macielinski is strongly anti-Communist in his political convictions and has been a very loyal and devoted employee during his time with IBS.

I urge that every effort be made to the Immigration and Naturalization Service to allow him to remain in this country and to take out his first papers for citizenship which it is his desire to do.

H. R. 4258

The beneficiary is a 22-year-old native and citizen of Italy, who last arrived in the United States on June 29, 1954, at which time she was accorded a hearing to determine her admissibility as a nonquota immigrant. A medical certificate was subsequently issued which certified that the beneficiary was afflicted with feeblemindedness. On July 22, 1954, she was found excludable, but was ordered admitted under bond as a visitor. The beneficiary resides with her cousin, who is a citizen of the United States, and upon whom she is totally dependent for support. In addition, the beneficiary's mother and one sister are citizens of the United States. The beneficiary has been attending a school for mentally handicapped children, and it is stated that she has made favorable progress.

A letter, with attached memorandum, dated June 21, 1955, to the chairman of the Committee on the Judiciary of the House of Repre-

sentatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 21, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 4258) for the relief of Luigia Pelella, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provisions of section 212 (a) (1) of the Immigration and Nationality Act, which excludes from admission into the United States aliens who are feebleminded. Further, the bill provides that admission shall be conditioned upon the depositing of a bond or undertaking pursuant to section 213 of the act.

As you will note from the attached memorandum the beneficiary, who presently resides in the United States, has been found to be deportable and has been granted voluntary departure. Therefore enactment of the bill in its present form would not serve to adjust her immigration status.

The beneficiary is chargeable to the quota for Italy.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LUIGIA PELELLA, BENEFICIARY OF H. R. 4258

The beneficiary, Luigia Pelella, also known as Louise Pelella, was born on July 29, 1933, in Santa Maria a Veco, Caserta, Italy, and is a citizen of Italy. She has never married. Since July 1954 she has resided in the Beacon, N. Y., home of her cousin, a citizen of the United States, upon whom the beneficiary is totally dependent for support. In September 1954 the beneficiary was enrolled in the Little Red School House at Poughkeepsie, N. Y., which operates under the auspices of the Dutchess County Association for Mentally Handicapped Children. She has been receiving training in academic subjects, as well as in arts and crafts. School authorities have reported that a need for more advanced training is now indicated due to her favorable progress.

The beneficiary received limited grade-school training at a convent in Italy, where she resided from the time of the death of her father in 1939 until 1942 or 1943. Thereafter she returned to her native town to reside with her mother, sisters, and grandparents. The death of her grandfather in 1945 left all eight female members of the immediate family without support and, as a result, the beneficiary and the other women resorted to home embroidery as a means of earn-

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ing a livelihood. The beneficiary's mother and one sister now reside in Newburgh, N. Y., and are citizens of the United States. She has two sisters who reside in Italy.

The only arrival of the beneficiary in the United States occurred at New York, N. Y., on June 29, 1954, at which time she was temporarily detained and accorded a hearing to determine her admissibility as a nonquota immigrant. She was examined by the United States Public Health Service and a class A medical certificate was issued on June 2, 1954, which certified that she was afflicted with feeblemindedness, mental deficiency, moderate. During the course of a subsequent special inquiry hearing, her representative withdrew the application for admission as a nonquota immigrant and applied for her admission as a nonimmigrant for a temporary period to permit her attendance at a school for the mentally handicapped. On July 22, 1954, the special inquiry officer found the alien excludable under section 212 (a) (1) of the Immigration and Nationality Act, as one afflicted with feeblemindedness, but ordered that, upon posting of a $1,000 bond, she be admitted to the United States as a visitor for pleasure for a period of 6 months, under the discretionary authority contained in section 212 (d) (3) of said act. On August 5, 1954, the Board of Immigration Appeals approved this decision. On April 26, 1955, a warrant of arrest was issued against the beneficiary based upon the charge that she had failed to comply with the conditions of her visitor's status by remaining in the United States without authority beyond January 22, 1955. At a deportation hearing on May 9, 1955, she was granted the privilege of voluntarily departing from the United States at her own expense, in lieu of deportation, with an alternative order for her deportation should she fail to so depart.

In addition, the Director of the Visa Office, Department of State, submitted the following report dated May 3, 1955, on the case to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, May 3, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 16, 1955, and its enclosures, wherein you requested a report of the facts in the case of Luigia Pelella, beneficiary of H. R. 4258, 84th Congress, 1st session.

According to information received by the Department from the American consulate general at Naples, Italy, there were no special circumstances surrounding the issuance of a nonquota immigrant visa to the alien who was passed by the examining medical officer on May 11, 1954. The consulate general's report adds that Dr. Anthony P. Rubino, Medical Director, United States Public Health Service, the physician who examined the alien, was admitted to the United States Naval Infirmary in Naples on May 14, 1954, suffering from serious hypertensive cardiovascular disease, and died there on June 8, 1954.

The report further states that Dr. Rubino was known to have been ill for some days prior to his hospitalization.

The Department's files contain information showing that the alien was excluded under the provisions of section 212 (a) (1) of the Immigration and Nationality Act by the immigration authorities at New York upon her arrival on June 29, 1954. The Department's records show that the Attorney General authorized the alien's temporary admission for educational treatment under the authority contained in section 212 (d) (3) of the above-cited act, and that this Department and the Immigration and Naturalization Service acting jointly, waived the presentation of a nonimmigrant visa which would be required under section 101 (a) (15) (B) of the act.

At this time the Department has no knowledge of any factor in Miss Pelella's case, other than the information hereinbefore cited, which would render her ineligible to receive an immigrant visa. However, it should be borne in mind that another ground of ineligibility which may come to light prior to visa issuance would preclude Miss Pelella from receiving a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 580), as amended, should be enacted.

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Calendar No. 2153

84TH CONGRESS, 2d Session | SENATE | REPORT No. 2130

GRANTING PERMANENT RESIDENCE TO CERTAIN ALIENS

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 472]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 472) granting permanent residence to certain aliens, having considered the same, reports favorably thereon with amendments and recommends that the joint resolution, as amended, do pass.

AMENDMENTS

1. On page 1, line 4, strike the names "Isak Herstig", and "Constantine George Kaltsoyannis".
2. On page 1, line 6, strike the name "Solomon Joseph Sadakne".
3. On page 1, line 7, strike the name "Jose Cristiano Vieira".

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to grant the status of permanent residence in the United States to 6 aliens. Provision is made for appropriate quota deductions and for the payment of the required visa fees. The 6 aliens included in the joint resolution were the beneficiaries of individual bills introduced in the House of Representatives. Each case was considered on its individual merits before being included in the joint resolution. The resolution has been amended to delete 4 names which appeared on the resolution as it passed the House of Representatives.

H. R. 1032

The beneficiary is a 32-year-old native and citizen of the Philippine Islands who last entered the United States on July 13, 1949, as a student. Her parents presently reside in Canada, where they are applicants for immigrant visas to enter the United States. The beneficiary's father is president, general manager and principal stockholder of an importing firm in the Philippines. The beneficiary attended the University of Iowa for 1 semester and Mount St. Mary's College in Los Angeles for 1 year. She is presently employed as a dental assistant and her employer states that she is the most competent employee he has had.

A letter, with attached memorandum, dated May 23, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 23, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 1032) for the relief of Ludwig Model, Isabel Model, and Milly Model, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would grant the aliens permanent residence in the United States upon payment of the required visa fees. It also would direct that three numbers be deducted from the appropriate immigration quota.

The beneficiaries, Ludwig Model and Isabel Model, departed from the United States on December 15, 1952, under warrants of deportation, and are now residing in Canada.

The beneficiary, Ludwig Model, is chargeable to the quota of Germany. His wife, Isabel Model, and his daughter, Milly Model, are chargeable to the quota of the Republic of the Philippines.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LUDWIG, ISABEL AND THEIR DAUGHTER, MILLY MODEL, BENEFICIARIES OF H. R. 1032

The beneficiaries, Ludwig, Isabel, and Milly Model, also known as Wilhelmina Tekla Model, comprise a family group of husband, wife, and daughter. The first named beneficiary

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was born on November 10, 1890, in Germany, and became a naturalized citizen of the Philippines in 1934. Isabel Model and her daughter, Milly Model, natives and citizens of the Philippine Islands, were born on January 14, 1895, and October 22, 1923, respectively. The beneficiaries Ludwig and Isabel Model reside in Vancouver, British Columbia, Canada. Milly Model resides at 220 South Gramercy Place, Los Angeles, Calif. Their last foreign residence was the Philippine Islands.

The beneficiary Ludwig Model is president, general manager, and principal stockholder in the L. Model & Co., Inc., an importing firm in Manila, Philippine Islands. His annual income from this firm is from $10,000 to $15,000. His total assets, including 2 houses and lots in Los Angeles, amount to approximately $100,000. His daughter testified that he controls his importing firm in Manila from his Canadian residence, commuting to the islands when business necessitates.

The beneficiary Milly Model received a high school education in Manila, Philippine Islands. She attended the University of Iowa, Iowa City, Iowa, for 1 semester beginning September 22, 1948, then transferred to Mount St. Mary's College, Los Angeles, Calif., for 1 year. She is now employed as a dental assistant at a local dentist's office at a salary of $55 a week. Her assets consist of $5,000 savings account and a $750 checking account in a Los Angeles bank.

The beneficiary Isabel Model acquired an elementary school education in the Philippine Islands. She has no assets listed in her own name. Neither of the beneficiaries have relatives living in the United States. In addition to the daughter Milly, the first two named beneficiaries have a son residing in Canada.

The beneficiaries Ludwig and Isabel Model last entered the United States at San Francisco, Calif., on February 16, 1950, as temporary visitors for a period of 6 months. They were granted extensions of stay until September 1, 1951. They failed to depart, and on January 21, 1952, deportation proceedings were initiated in their cases. They departed from the United States on December 15, 1952, under order of deportation.

The beneficiary Milly Model last entered the United States on July 13, 1949, at San Francisco, Calif., as a student. Her last extension of stay expired on July 13, 1952, and on September 10, 1952, deportation proceedings were initiated in her case. On October 22, 1953, an order of deportation was entered in her case, and she was granted the privilege of voluntary departure in lieu of deportation. After several postponements, the departure date was set for February 5, 1955. She failed to depart. Private legislation introduced in the 82d and 83d Congresses in behalf of the three beneficiaries has failed to receive favorable action.

Congressman Patrick J. Hillings, the author of the bill, submitted the following letters to the Committee on the Judiciary of the House of Representatives in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 17, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: Enclosed are some documents concerning H. R. 1032, a bill for the relief of the Model family.

The parents, Mr. and Mrs. Ludwig Model, I am informed, are presently in Vancouver, British Columbia, and are taking steps to enter the United States as permanent residents under the German quota, to which they are both chargeable.

Milly Model, the daughter, is over 21 years of age, was born in the Philippine Islands and is not chargeable to the German quota, hence the necessity for the legislation in this instance.

Best wishes.

Most sincerely,

PATRICK J. HILLINGS,
Member of Congress.

LOS ANGELES, CALIF., *April 24, 1955.*

Hon. PATRICK J. HILLINGS,
House Office Building, Washington, D. C.

DEAR SIR: Thank you very much for reintroducing our bill in Congress last January and this is to let you know how very anxious we are to see this bill go through after waiting 4 years, years full of anxiety and worries.

Mr. Hillings, I doubt whether many people here know what it means to a foreigner to become a citizen of the United States, as they have and enjoy so much and yet so often take it all for granted. Such is not the case with me. We went through terrible experiences during the Japanese occupation of the Philippines and since then more than ever are we thankful for what God gives us.

One of my most cherished dreams is to be able to remain here with my parents and become a proud American citizen. To me there is no other country in the world like this one. Even as a child I always wanted to come to the United States. Actually I was born under the American flag as the Philippines then was still a possession of yours, so I have always thought of the Philippines as part of the United States. I want to stay here because of the wonderful democratic way of life, the people have been so nice to me; in short, I love everything about this great country. So won't you please do everything in your power to have the bill passed during the next few weeks so that my worries on account of the uncertainty of my status will finally come to an end? If you should make this wish of mine come true, rest assured that I will be grateful to you forever.

Best wishes.

Very sincerely yours, MILLY MODEL.

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LOS ANGELES, CALIF., *April 23, 1955.*

Hon. PATRICK J. HILLINGS,
House Office Building, Washington, D. C.

DEAR MR. HILLINGS: I am writing to you in regard to Miss Milly Model.

First, I wish to state that I have been a stanch Republican in California since 1926. You will notice that I am a professional man and a past president of the Los Feliz Men's Club, so I feel that my words carry sufficient weight to be of importance where Republican sentiments are needed.

I am taking the liberty of aiding in bringing before you the merits of Miss Model. During my 21 years in the profession I have trained quite a number of girls and I do not hesitate to say that Miss Model, who has been in my employ since January 29, 1952, is the most efficient, capable, and dependable assistant, plus having the nicest personality of any one I have ever had the opportunity of training.

The fact that her bill was first introduced by Vice President Nixon who was at that time our Senator, should convince you that her character is above reproach. It most certainly must come to your mind that our Vice President could not afford to have past misdeeds jumping up to slap him in his political career, therefore, he undoubtedly must have felt that Miss Model was well worth becoming one of our citizens, otherwise he would not have sponsored her bill.

I hope that after reading my message you will use your utmost influence to further the possibility of her becoming a citizen of our country in the very near future. I do not feel that you should hesitate to push the passage of her bill and wish to thank you and let you know your help will be greatly appreciated for the effort you will use to accomplish its completion.

I wish also, to take this opportunity to commend you on your fine performances up to date. Keep up the good work so that you will continue to be one of our finest statesmen.

With kindest regards, I am,

Sincerely yours,

DR. ALBERT W. BULL.

BERNARD C. BRENNAN

ATTORNEY AT LAW

LOS ANGELES 13, *April 21, 1955.*

Re Ludwig Model and family, H. R. 1032.

Hon. PATRICK J. HILLINGS,
House Office Building, Washington, D. C.

DEAR PAT: In response to your letter of March 31, 1955, in which you referred to your continuance of the hearing on the Model family bill (H. R. 1032) to May 1955, I am giving you what information I have to bring you up to date on what we feel is a showing of the merits of the bill sufficient to authorize its passage and its being signed into law by the President.

I refer you first of all to the file in the then Senator Nixon's office shortly after the bill was introduced for the first time. At that time

we furnished the information concerning the background of the family for his S. 2082.

Ludwig Model was born in Germany on November 10, 1890, went to the Philippines in 1911, became a Philippine citizen. His entry into the United States to which the old bill related was on a visitor's permit dated February 16, 1950, through the port of San Francisco on the steamship *Surprise*.

His wife, Isabel Model, was born in Pampanga, Philippines, of Spanish parentage on January 14, 1895. She entered the United States through San Francisco at the same time as her husband, on February 16, 1950, on the steamship *Surprise* on a visitor's permit.

Their daughter, Milly Model, was born at Manila, Philippine Islands, on October 27, 1923. She entered at an earlier date on a student's permit through San Francisco on the steamship *Flying Dragon* on July 13, 1949. (I note that the information originally furnished Nixon showed Milly Model's birthdate as August 27, 1923. I am sure, however, the Department's reports have shown the correct date since the incorrect date went to Nixon.)

I rehearse this history again because the private bill would charge the senior Models permanent entry against the German quota, which is a much larger one than the Philippine quota. In view of the family relationship, we feel that the Department can charge Milly, too, against the German quota because of the family group.

The records show that the senior Models, while they were here before, were under the care of Dr. Clarence Gazin, 656 North Larchmont, Los Angeles. The records will also show that Mr. and Mrs. Model returned to the Philippine Islands after your bill had been introduced. Since that time Mr. and Mrs. Model have moved to Canada and have traveled across the United States on two occasions between Canada and Mexico on a transit visa. On the last occasion, Mrs. Model's health became such that while she was in Los Angeles she was prevented from continuing the journey and she has been under the care of the same Dr. Gazin ever since. We feel, therefore, that their actual residence in the United States, even under these temporary conditions, justifies the request for permanent status under your H. R. 1032.

Since the original bill was introduced, when the Models owned the property at 220 South St. Andrews Place, Los Angeles 4, they have had some change in property ownership. They now own the property at 2469 East Seventh Street, Los Angeles, Los Angeles County, Calif. I would also call your attention to, and I assume you can secure from the old Nixon file relating to his Senate bill S. 2082 in the 1951 session of Congress, the issue of The Cable Tow which was dated July 19, 1941. I feel that this is important as it shows Ludwig Model's attitude toward the United States. You are referred to page 24 of that document. If you cannot find it let me know immediately and we will see if another copy can be located. However, that probably will prove quite difficult.

Milly Model has continued to render excellent service as resident of this area during the pendency of the bill. She holds the position of dental assistant with Dr. Albert W. Bull, whose offices are at 254 South Western Avenue, Los Angeles 4, Calif. I have asked Dr. Bull to furnish a letter which I will forward to you as soon as it comes through this office.

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Incidentally, Mr. Ludwig Model has kept up his membership in both the Scottish Rite bodies in Masonry and in his Masonic Lodge No. 5, F. and A. M., under the jurisdiction of the Grand Lodge of the Philippine Islands. I point this out knowing that you are familiar with the influence for law observance and for the rights of man consistent with our country's ideals, that this body of Masonic men maintain. I am sure I need not emphasize the full clearance that these people have always had, with our own Immigration and Naturalization Service, so far as their loyalty, integrity, and standing are concerned. The record will show, also, that the Models were of tremendous help to this country during and after the Japanese occupation. As a matter of fact, Mrs. Model's brother, S. Palomares, lost his life as a result of injuries received at Fort Santiago.

I am sure your committee was furnished with the report of their clearance with the Counterintelligence Corps at the time they came to this country after World War II in 1947. They were here for a little over a year on that occasion and their record is completely to the good.

Does your file contain copies of the letters from the following people furnished under the old Senate bill?

A. J. Callaway
Mae Davis, R. N.
Clarence Gazin, D. O.
S. James Marcheski
Max Lerner
Victor Mogan
O. J. Goebel

There are 2 or 3 other letters also. If you do not have them, or if you feel these should be brought up to date and you feel they will be helpful in your hearing, let me know immediately and we will follow through on them.

I am also enclosing a copy of the letter I sent to Dick Nixon concerning his earlier bill on March 4, 1952. This gives you some background of reasons we feel that your bill has merits.

We are most anxious to have the bill through the House the very first part of May, as we might then secure the approval of the Immigration Department and the State Department for Milly to go to Canada to visit her brother who is a permanent resident of Canada. We would have to have assurance that she will be able to return to the United States without difficulties or any claim of abandoning her rights under the bill. We would not, in any way, want to jeopardize the ultimate passage of the bill. I feel that the only way I could safely advise her to cross would be to have a written authorization from the State Department which she can carry on her person to show to the immigration authorities at the border on her return.

The Model family is entirely self-supporting and Mr. and Mrs. Model will still have sufficient income from their investments so as not to be a burden on anyone whatsoever.

Sincerely yours,

BERNARD BRENNAN.

H. R. 4509.

The beneficiaries are mother and son, and they are 36- and 16-year-old natives of Austria and Germany, respectively, and citizens of Austria. They last entered the United States on September 28, 1950,

as visitors. Prior to her entry into the United States, the adult beneficiary was a professional singer and was the official artist for the entertainment of army officials and dignitaries. Since her entry into the United States, she has continued her appearances before members of our Armed Forces and the USO. She is presently employed in a department store, and the minor beneficiary attends school. Both beneficiaries are highly thought of in the community in which they reside.

A letter, with attached memorandum, dated June 8, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 8, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 4509) for the relief of Margaretha Rath Rahneberg and Erich Rahneberg, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Salinas, Calif., office of this Service, which has custody of those files.

The bill would grant the beneficiaries the status of permanent residents of the United States upon the payment of the required visa fees. It would also direct that the required numbers be deducted from the appropriate immigration quota or quotas.

The latest available information indicates that the quota for Germany, to which the male beneficiary is chargeable, is not oversubscribed. Accordingly it appears that he may be able to obtain a quota immigrant visa. The female beneficiary is chargeable to the quota of Austria.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE EILES RE MARGARETHA RATH RAHNEBERG AND ERICH RAHNEBERG, BENEFICIARIES OF H. R. 4509

Margaretha Rath Rahneberg, nee Rath, also known as Gretl Rath, was born in Vienna, Austria, on September 12, 1919, and her son, Erich Rahneberg, was born on April 24, 1940, in Berlin, Germany. Both are citizens of Austria. Mrs. Rahneberg divorced her husband on February 2, 1942, and, prior to her entry to the United States, was a resident of Austria where she supported herself and son as a professional singer. Presently she is employed as a sales clerk in a department store at a salary of approximately $40 per week. She is the sole support of her son, who attends school. Mrs. Rahneberg and her son have no relatives in the United States.

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The adult alien has indicated that her mother is deceased and that her father is presently residing in Vienna, Austria.

The beneficiaries last entered the United States at New York, N. Y., on September 28, 1950, as visitors. They received extensions of stay, the last of which expired on September 27, 1951. Deportation proceedings were instituted in their cases, and they were found to be deportable from the United States on the ground that they remained in the United States for a longer time than permitted. They were granted the privilege of departing voluntarily from the United States but have not availed themselves of that privilege. Warrants of deportation are outstanding in their cases.

Congressman Charles M. Teague, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following statement and letter in support of the bill:

STATEMENT OF HON. CHARLES M. TEAGUE, MEMBER OF CONGRESS, BEFORE SUBCOMMITTEE NO. 1, COMMITTEE ON THE JUDICIARY, IN SUPPORT OF H. R. 4509, FOR THE RELIEF OF MARGARETHA RATH RAHNEBERG AND ERICH RAHNEBERG

I have personal knowledge of the fact that Mrs. Margaretha Rath Rahneberg has been an outstanding and highly appreciated resident of the Monterey area. She is a talented singer and has been chosen many times to sing our national anthem at community civic affairs. For more than 4 years she has been a choir member and leading soprano soloist in a church in Pacific Grove. She has donated her services generously in musical entertainment at Fort Ord.

It is my understanding that, if this bill is not passed, Mrs. Rahneberg and her son would be left homeless, since she has nothing to which she can return. Her former home, which was in the Russian Zone of Austria, has long since ceased to exist. She would not have the means necessary to reestablish herself where she formerly lived over there.

Mrs. Rahneberg currently is employed in a leading department store in Pacific Grove, and she is completely self-sufficient financially, supporting herself and her son in admirable manner. She is able to supplement her income to some extent with her musical ability. She is a very superior type of person. Her son, Erich, is an honor student.

I am fully convinced of the merits of this case, and I respectfully urge the committee to consider H. R. 4509 favorably.

PACIFIC GROVE, CALIF., *February 24, 1955.*

Re: Introduction of private bill for relief of Margaretha Rath Rahneberg and Erich Rahneberg, her son.

Hon. CHARLES M. TEAGUE,
House of Representatives, Washington, D. C.

MY DEAR SIR: It may first be in order to identify myself to you as having been director of St. Angela's choir in Pacific Grove for a

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period of 20 years, or thereabouts, in which choir Margaretha has been singing as leading soprano and soloist for over 4 years. I am also her supervisor for the Federal Immigration Department at Salinas. I have known Margaretha and her son for this length of time and find her to be a very superior person.

This is written in answer to your letter of January 25 to Mr. Bishopric, to bring the matter of helping Margaretha and son Erich to date with your office, and especially to urge your assistance.

She has given freely of her outstanding talents and ability to this community and to her church, and she has our admiration and gratitude.

It may be of interest to mention the fact that when she was in her country in the city of Vienna she was chosen as the official artist for the entertainment of high army officials and their families, dignitaries, and distinguished guests at the Hotel Bristol which was our official residential headquarters. She sang as well for our troops, as she has here at Fort Ord for the soldiers and hospital, as well as for the USO.

It would seem that for this alone she richly deserves the granting of the privilege of remaining in this country and to be allowed to become a citizen at the proper time as she and her son wish so much to do.

Should her request be denied, it would inflict a great hardship as her home, which was in the Russian zone, has long since ceased to exist, and she has no ties or means to replace it.

There is much interest in this case and hope that her plea will be granted. Senator Knowland has shown sympathetic interest, and Senator Kuchel has assured Frank M. Folsom, president of RCA that he will consider her case in keeping with the facts written him (by Mr. Folsom). There is a letter from Mr. Bricker, another from the Catholic Welfare Conference through Mr. Bruce Mohler, director, Luther Hodges now Governor of North Carolina, etc. Locally there is unlimited interest and support, but notably Reverend Father Haskins and Alan Pattee (California assemblyman).

She is working for the Holman Department Store in Pacific Grove, and maintaining herself and son in a creditable manner. Incidentally, her son Erich is an honor student in the Junipero High School in Monterey.

Your help will be deeply appreciated, and I trust you will give this your early attention. Please know that we will be glad to give any further information you may desire.

Very sincerely yours,

(Miss) EDITH L. PASSALACQUA.

JANUARY 10, 1956.

The above is a true copy of a letter which I received from Miss Edith L. Passalacqua who is known to me personally and whose opinion in this case I respect highly.

CHARLES M. TEAGUE,
Member of Congress.

H. R. 1939

The beneficiary is a 22-year-old native and citizen of Austria, who last entered the United States on or about November 13, 1954, for the remaining period of her temporary stay as a visitor. She first

entered this country on March 4, 1954, as a visitor. The beneficiary resides with her aunt and uncle who are United States citizens, and who wish to adopt the beneficiary. The natural parents agreed to the adoption while the beneficiary was still a minor.

A letter, with attached memorandum, dated May 12, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 12, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 1939) for the relief of Rosa Stangl, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The alien is chargeable to the quota of Austria.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ROSA STANGL, BENEFICIARY OF H. R. 1939

Rosa Stangl, a citizen of Austria, was born on June 28, 1933, at Zahling, Austria. She now resides at 229 East 18th Street, New York, N. Y., with her aunt, Clara Dieber, and the latter's husband, Joseph Dieber. Mr. and Mrs. Dieber are United States citizens and wish to adopt the beneficiary. The beneficiary has been employed in the United States as a sewing-machine operator by Theo. Tiedemann & Sons, 351 Fourth Avenue, New York, N. Y. Her assets consist of $350 in cash savings. She received 8 years of elementary schooling in Austria. Her parents and 3 brothers are residents of Austria and she has 2 sisters who reside in Switzerland.

The beneficiary last entered the United States on or about November 13, 1954, at Ogdensburg, N. Y., by automobile and was admitted for the remaining period of her temporary stay as a visitor for pleasure. She had originally entered the United States on March 4, 1954, at New York, N. Y., and had been admitted as a temporary visitor for pleasure. She received two extensions of stay, the last

of which expired on March 3, 1955. Warrant proceedings were instituted against her on March 31, 1955, on the charge that, after admission to the United States as a visitor for pleasure, she had failed to comply with the conditions of such status. At a hearing held on April 15, 1955, she was found deportable on the charge that, at the time of entry, she was excludable as an immigrant not in possession of a valid immigration visa. Appeal from this decision is now pending.

Congressman Arthur G. Klein, the author of the bill, submitted the following information in support of the bill:

NEW YORK, N. Y., *January 20, 1955.*

Re H. R. 1939, for the relief of Rosa Stangl.

Hon. ARTHUR G. KLEIN,
Washington, D. C.

DEAR MR. KLEIN: I was very gratified to receive your letter of January 19, in which was enclosed copies of the bill introduced by you on January 10.

In support of the passage of said bill, I enclose herewith copies of the affidavits submitted by Mr. and Mrs. Dieber in support of Miss Stangl's application to come to the United States and a copy of the translation of an adoption agreement, the original of which is in my file.

You will note that such affidavits which were delivered to the American consul in Vienna set forth that Miss Stangl was coming to the United States for the purpose of being adopted by Mr. and Mrs. Dieber as their own child, particularly since they have no children of their own.

After Miss Stangl arrived in the United States, I applied at the surrogate's court, county of New York, for permission to submit a petition of adoption. The court refused to accept the petition because Miss Stangl did not have a permanent residence number and I was advised that unless she were admitted to the United States on a permanent basis, the application could not be entertained.

We have, therefore, the peculiar situation of a person coming to the United States for the specific purpose of being adopted by her uncle and aunt, which purpose was made plain to the American consul issuing the visa, and now, upon her arrival, the court refuses permission for her to go forward with this intention, unless she has a permanent residence in the United States.

I trust that the enclosures will be of assistance in the deliberations of the Judiciary Committee and will cause them to act favorably upon this bill.

Miss Stangl's visitor's visa has been extended to March 3, and it would appear to be imperative that this matter be acted upon before that date.

Very truly yours,

I. WILLIAM GARFIELD,
Counselor at Law.

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NEW YORK, N. Y., *November 23, 1954.*

Re Rosa Stangl.

ARTHUR G. KLEIN, Esq.,
New York, N. Y.

DEAR MR. KLEIN: Inquiry was made of you concerning the above-named alien, who is a young lady. It is the intention of Mr. and Mrs. Joseph Dieber, of 229 East 18th Street, New York City, to adopt her as their daughter.

In my telephone conversation with you I advised that the surrogate's court of New York County would not entertain a petition of adoption unless such alien was in the United States on a permanent basis and had a permanent residence number.

You stated that you would be agreeable after the reconvening of Congress to introduce a bill granting her permanent residence in the United States. Her present stay in our country will expire on December 31 and it is my intention during the next month to apply for an extention of her visitor's visa.

Will you please be good enough to advise me of just what statement you can give me to obtain such extension?

An early reply hereto will be appreciated.

Very truly yours,

I. WILLIAM GARFIELD,
Counselor at Law.

UNITED STATES OF AMERICA

AFFIDAVIT OF SUPPORT

STATE OF PENNSYLVANIA,
County of Lehigh, ss:

I, the undersigned Joseph M. Dieber, residing at 229 East 18th Street, New York City, N. Y., do hereby declare under oath that I am married, live with my wife Anna at the above address. That I am 51 years of age; in good health.

I further state that I am a native-born citizen of the United States of America; was born on the 8th day of June 1902 at Allentown, Lehigh County, Pa. That I am employed as a machine repairman by the Curtiss-Wright Corp., earning from $125 to $150 per week.

I further state that I have a bank account with the Union Square Savings Bank at New York amounting to $2,040.81; also a $1,000 insurance policy, cash surrender value at present $205. I have cash on hand $250. Recently I purchased a Buick Roadmaster for $3,900 which is paid for in full. The household furniture, where I conduct a roominghouse, is worth $10,000.

It is my intention to have my wife's cousin's daughter come forward into the United States of America, whereby upon her arrival I intend to adopt her, as my own heir, for the reason that my wife and I have no children of our own. The said Rosa Stangl, who was born on the 28th day of June 1933 at Zahling, Bezirk Jennersdorf, Burgenland, Austria, will be considered as our own daughter.

I further state that through correspondence, her parents, Mr. and Mrs. Josef Stangl of Zahling No. 119, Burgenland, Austria, fully

agree and consent that their daughter, Rosa Stangl, may be adopted by my wife and me.

I further state that I have not at any time been threatened with or arrested for any crime or misdemeanor; that I do not belong to nor am I in any way connected with any group or organization whose principles are contrary to organized government; nor does the aforesaid Rosa Stangl, to the best of my knowledge and belief belong to any such organization, nor has she ever been convicted of any crime.

That I am willing and able to receive, maintain, and support the aforementioned Rosa Stangl, who was born on the 28th day of June 1933 at Zahling, Burgenland, Austria; at present residing with her father, Josef Stangl, Zahling No. 119, Bezirk Jannersdorf, Burgenland, Austria; and hereby assume such trust guaranteeing that she will not at any time become a burden on the United States, or any State, county, city, village, or township of the United States; and that upon her arrival, I will adopt her through lawful court proceedings, in the United States of America.

That this affidavit is made by me for the information of the honorable American consulate general, Visa Section, at Vienna, or Salzburg, Austria, in the jurisdiction where the said Rosa Stangl will make her application for a visa; and for the information of the United States Department of Justice, Bureau of Immigration authorities, in order that she will be able to receive her visa and come forward into the United States of America, and be united with my wife and me, where a good home awaits her.

JOSEPH M. DIEBER.

COMMONWEALTH OF PENNSYLVANIA,
County of Lehigh, ss:

Before me, the subscriber, a notary public residing at 238 Hamilton Street, Allentown, Pa., personally appeared Mr. Joseph M. Dieber, of 229 East 18th Street, New York City, N. Y., whom I personally know for over 20 years, and who, being duly sworn according to law, deposes and says that the foregoing affidavit is true and correct to the best of his information, knowledge, and belief; and he executed the same in my presence.

In witness whereof I have hereunto set my hand and notarial seal this 13th day of June A. D. 1953.

[SEAL] GEZA BOLEZ, *Notary Public.*

My commission expires March 9, 1955.

UNITED STATES OF AMERICA

AFFIDAVIT OF SUPPORT

STATE OF PENNSYLVANIA,
County of Lehigh, ss:

I, the undersigned Anna J. Dieber, residing at 229 East 18th Street, New York City, N. Y., do hereby declare under oath that I am married, live with my husband, Joseph M. Dieber, at the above address. That I am 44 years of age, in good health.

I further state that I am a native-born citizen of the United States of America; was born on the 30th day of July, 1908, at West Coplay,

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Lehigh County, Pa. That I am employed as a weaver by the Roy Weaving Co., Inc., of Brooklyn, N. Y. My weekly earnings amount to $95.

It is my intention to have my cousin's daughter, Rosa Stangl, who was born on the 28th of June, 1933 at Zahling, Burgenland, Austria, to come to the United States of America, where my husband and I will adopt her as our legal heir, for the reason that we have no children of our own. My husband, Joseph M. Dieber, is taking full guarantee that she will not become a charge upon the public. On the other hand, I do likewise guarantee that she will not become a charge upon the public, for the reason that I am steadily employed and earn good wages. I am well able, financially, to assume the responsibility. Upon arrival she will find a good home with my husband and me, where we will immediately adopt her according to law.

ANNA J. DIEBER.

COMMONWEALTH OF PENNSYLVANIA,
County of Leigh, ss:

Before me, the subscriber, a notary public, residing at 238 Hamilton Street, Allentown, Pa., personally appeared, Mrs. Anna J. Dieber, of 229 East 18th Street, New York City, N. Y., whom I personally know for over 20 years, and who being duly sworn according to law deposes and says that the foregoing affidavit is true and correct to the best of her information, knowledge, and belief; and she executed the same in my presence.

In witness whereof I have hereunto set my hand and notarial seal this 13th day of June A. D. 1953.

[SEAL] GEZA BOLEZ, *Notary Public.*

My commission expires March 9, 1955.

ADOPTION AGREEMENT

Whereas entered to by Joseph M. Dieber, who was born on the 8th day of June 1902, at Allentown, Pa., and his wife, Anna J. Dieber, born at West Coplay, Pa., on the 20th day of July 1908, both of whom reside at 229 East 18th Street, New York, and State of New York, as parties on one side, and Josef Stangl, farmer, of Zahling 119, as father and lawful attorney in fact for the minor, Rosa Stangl, born on the 28th day of June 1933:

1. The marriage bonds of Joseph M. Dieber and Anna J. Dieber, were not blessed with children. Therefore, they decided that according to law they would adopt Rosa Stangl, who was born on the 28th day of June 1933, as our child. It is further agreed that the said minor, Rosa Stangl, shall have all the rights within the law and that she will be our heir after our adoption. The minor, Rosa Stangl, is the daughter of Aloisia Stangl, who is the first cousin of the prospective adopting mother, Anna J. Dieber, and that the mother of Aloisia Stangl, Maria Wunderler (nee) Zettel, and the father, Frank Zettel, the father of Anna J. Dieber, were sister and bother.

2. Whereas Josef Stangl, as father and lawful representative of the minor, Rosa Stangl, agrees to this adoption and at the same time the said minor, Rosa Stangl, 20 years old, agrees fully and consents to this

adoption, and at the same time she executes the said adoption agreement.

3. The adopted minor daughter, Rosa Stangl, herewith has the right to use the name Dieber, whereby Josef Stangl, and also the minor, Rosa Stangl, fully agree and consent.

Jennersdorf, on the 22d day of July 1953.

ROSA STANGL.
STANGL JOSEF.

According to authentication register 115/53 Josef Stangl, farmer, and Rosa Stangl, farmer's daughter, of Zahling No. 119, did execute with their own handwriting.

County court at Jennersdorf, this 22d day of July 1953.

[SEAL] _____ _____.

(Signature illegible.)

STATE OF PENNSYLVANIA,
County of Lehigh, City of Allentown, ss:

Before me the undersigned, Geza Bolez, a notary public in and for the county and State herewith certify that Mr. Joseph M. Dieber and his wife Anna J. Dieber, of 229 East 18th Street, New York, City, N. Y., personally appeared and both of them stated that they wish to adopt Rosa Stangl, a resident of Zahling No. 119, Burgenland, Austria, and to have her as their child, and both of them executed the foregoing adoption agreement, and that it is their wish, jointly.

In witness whereof I have hereunto set my hand and notarial seal this 26th day of August A. D. 1953, at Allentown, Pa.

GEZA BOLEZ, *Notary Public.*

My commission expires March 9, 1955.

AFFIDAVIT

I, the undersigned, Geza Bolez, residing at 238 Hamilton Street in the city of Allentown, county of Lehigh, and State of Pennsylvania, do herewith state that I am the official court interpreter for the courts of Lehigh County at Allentown, Pa., since January 1908 to this day, and that I am 70 years of age, and that during my term of office, I translated many foreign documents in various languages. I further state that this day I translated an adoption agreement from the German language into the English language, which was entered into between Joseph M. Dieber, his wife Anna J. Dieber, and Rosa Stangl and Josef Stangl, which is herewith attached. I further state that the said translation is true and correct to the best of my ability.

Allentown, Pa., this 29th day of March A. D. 1954.

GEZA BOLEZ.

COMMONWEALTH OF PENNSYLVANIA,
County of Lehigh, ss:

Before me, the subscriber, a notary public, personally appeared Mr. Geza Bolez, of 238 Hamilton Street, Allentown, Pa., who is the official court interpreter for the courts of Lehigh County, and whom I personally know for many years, and he being duly sworn according

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to law deposes and says that the foregoing translation from the German language into the English language, is true and correct.

In witness whereof I have hereunto set my hand and notarial seal this 29th day of March A. D. 1954.

[SEAL] LILLIE E. COMBS,
Notary Public, Allentown, Pa.

My commission expires February 12, 1955.

H. R. 2921

The beneficiary is a 50-year-old native and citizen of China, who last entered the United States on May 12, 1953, as a visitor. Her last residence abroad was in Switzerland. The beneficiary resides with her youngest son, who attends college. In addition, her eldest son resides in the United States and is married to a United States citizen. The beneficiary is a widow and is supported by dividends from capital investments in the United States and the Philippine Islands.

A letter, with attached memorandum, dated October 1, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., October 1, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 10069) for the relief of Rosy Juin Tseng, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files.

The bill would grant the alien permanent residence in the United States as of the effective date of enactment and upon payment of the required visa fee. It would also provide for the alien to deposit a suitable bond with the Attorney General as prescribed by section 213 of the Immigration and Nationality Act. It is noted that the bill does not provide for the usual deduction of a number from the appropriate quota.

As a quota immigrant the beneficiary is chargeable to the quota for the Chinese.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ROSY JUIN TSENG, BENEFICIARY OF H. R. 10069

The beneficiary, Rosy Juin Tseng, also known as Tseng Chun Vong Juin, is a native and citizen of China. She was

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born February 6, 1904, at Canton, China. Her last residence abroad was Montana, Switzerland. She was admitted to the United States at New York, N. Y., on May 12, 1953, for a temporary visit of 6 months. She subsequently made application for a change of status to that of a permanent resident under section 6 of the Refugee Relief Act of 1953 (Public Law 203, 83d Cong.). Her application was denied for the reason that she was found not to be a bona fide nonimmigrant at the time of entry. The beneficiary has been given until August 16, 1954, in which to arrange for her departure from the United States.

The beneficiary attended school for 9 years in Shanghai, China. In 1925 she married Tseng Kwang Chick, a native and citizen of China. Two sons were born of that marriage, both in China. The family resided in China until 1949 where Mr. Tseng was the resident manager of Chinese Postal Savings and Remittance Bank in Canton, China and Hong Kong, British Crown Colony. After the fall of the Nationalist Government of China, the beneficiary with her family, moved to Hong Kong, France, Italy, and Switzerland, establishing temporary residences in each of those countries. The beneficiary's husband, Tseng Kwang Chick, died in April 1953 in Switzerland. Her only source of income is dividends which she receives from capital investments in the United States and the Philippine Islands. She also owns property in China but has received no income from that property since 1949. The beneficiary has testified that her approximate annual income is $3,500. She has lived in a rented apartment in Los Angeles, Calif., with her unmarried son since May 1953.

The beneficiary has a mother, a sister and a brother, all native citizens of China who live on the Chinese mainland. Her father died in China in 1951. Her two sons, both native citizens of China, have resided in the United States since 1949. Both sons were admitted to the United States temporarily as students. Her youngest son is still continuing his studies. The eldest son has completed his studies, has become married to a citizen of the United States and has been employed in Los Angeles, Calif., since May 1953. His temporary status in the United States is still considered lawful as certain Chinese aliens are temporarily unable to return to the Chinese mainland.

Congressman Joe Holt, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following statement and letters in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 17, 1956.

COMMITTEE ON THE JUDICIARY,
United States House of Representatives.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: Here are the facts as I have received them on H. R. 2921, for the relief of Rosy Juin Tseng. Mrs. Tseng's address is 1779½ North Orange Drive,

Hollywood 28, Calif. She landed in New York on May 12, 1953, from Switzerland, as a temporary visitor of 6 months.

Mrs. Tseng was born in Canton, Kwangtung Province, China, on February 6, 1904. Her late husband was the president of the Chinese Postal Savings and Remittance Bank, Hong Kong (a Nationalist Government Bank). Upon British recognition of the Chinese Communist Government, her husband was ordered to continue his service in the bank. He defied the Communists' order and resigned from the position. He also influenced his staff to take similar action so as to make the bank practically a worthless asset to the Communists. After that it was felt that there was danger to his life and they took refuge in Europe, where he passed away.

Mrs. Tseng is financially independent. She has been recommended by at least 22 people, many of these people are known to me personally and are reputable and of good standing. Six of these letters are enclosed. Mrs. Tseng knows no one in any other country and it is feared she will be subject to political persecution if she returns to the land of her birth.

Her son, Leo Tseng, is married to an American citizen and has for many years tried to change his status to become a permanent resident. He is to appear at the American consulate in Vancouver, Canada, on February 9, 1956, to obtain his permanent visa under the new preexamination regulation.

JOE HOLT, *Member of Congress.*

LOS ANGELES, CALIF., *June 22, 1954.*

Hon. JOE HOLT,
The Congress of the United States,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN HOLT: Mrs. Rosy Tseng has asked me to write to you in her behalf. It has been my good fortune to have known this lady for the past 2 years. She is well and favorably known in this community and has made a host of friends. She has lived in many parts of the world besides the Orient, and in addition to her native language speaks English and French. She is well versed in current world affairs. Mrs. Tseng has numerous contacts with the present Nationalist Government in China and certainly has no sympathy with the communistic movement.

Mrs. Tseng is the mother of two sons, one of whom has recently graduated with a master's degree from CLA and is now associated with the firm of Merrill Lynch, Pierce, Fenner & Beane. Her second son is still a student at Pomona College.

I am not entirely familiar with the merits of the case but I can assure you that anything you can do to help Mrs. Tseng remain in this country and be with her family, and eventually become a citizen in her own rights, will be greatly appreciated by her friends.

Very sincerely yours,

JAMES G. WARE, M. D.

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WESTMINSTER FOUNDATION OF SOUTHERN CALIFORNIA,
Los Angeles, Calif., July 22, 1954.

Hon. JOE HOLT,
United States Congress, Washington, D. C.

DEAR MR. HOLT: I am writing in behalf of Mrs. Rosie Tseng, who resides at 822½ South Beverly Glen, Los Angeles, Calif. I have known Mrs. Tseng for a year and a half. She has attended religious services which I have led. She and her son have been in our home, and we have been very much impressed with their breadth of interest and cultural background.

Mrs. Tseng is a woman of excellent character. She has traveled widely and is well educated. She has not only lived in the Orient, but in Europe as well. Her husband, prior to his sudden death, was successful in business.

I am sure that if you can do anything to change her temporary visa to a permanent one it would not only benefit her but also the United States. I am glad that you are willing to propose the proper legislation to make it possible for her to have this change in classification of residence.

Sincerely yours,

CECIL E. HOFFMAN, *Director.*

CHINESE DELEGATION TO THE UNITED NATIONS,
New York, N. Y., May 5, 1955.

Hon. JOE HOLT,
Member of Congress, 22d District of California,
Washington, D. C.

HONORABLE SIR: It is very gratifying to know that you have introduced bill No. H. R. 2921 proposing citizenship for Mrs. Rosy Vong Juin Tseng.

My wife and I have known Mrs. Tseng and her husband for many years. We have always held high regard for the good character and womanhood of Mrs. Tseng. I think all my friends who came to know Mrs. Tseng share the same opinion as ours. As a matter of fact, I saw Mrs. Tseng in Los Angeles when I passed through there in February.

With all our good wishes we heartily support your proposal to recommend Mrs. Tseng as a future citizen of your country, and hope that your bill will have a smooth passage at the earliest possible time.

Yours sincerely,

CHIPING H. C. KIANG,
Minister Plenipotentiary,
Alternate Representative on the Security Council, United Nations.

CONSULATE GENERAL OF THE REPUBLIC OF CHINA,
Los Angeles, Calif., June 11, 1954.

Hon. JOSEPH F. HOLT,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN HOLT: I am writing to you in regard to the case of Mrs. Rosy Tseng, apartment 9, 801 Levering Avenue, West-

wood Village, Calif. Mrs. Tseng informed me that she had a hearing yesterday at the immigration office in connection with her application for adjustment of her status to that of a permanent resident under section 6 of the Refugee Relief Act of 1953 and that in the course of this hearing it was developed that because her last residence was in Switzerland she was not qualified to apply on the ground of apprehension of religious, political or physical persecution in the country of her last residence. It therefore appears that the only way by which she can become a permanent resident in this country is through the passage of a special bill by Congress granting her the status of a permanent resident. She told me that you have shown your kind personal interest in her case and have repeatedly communicated with the immigration office on her behalf, but this case has now reached a point when nothing short of your direct action can provide the necessary remedy for her continued residence in this country.

Knowing your sympathetic regard for Mrs. Tseng's personal welfare may I bespeak your further kindness in rendering her every possible assistance so that she will not be required to leave the country against her will.

With grateful appreciation and kind personal regards,

Sincerely yours,

YI-SENG KIANG, *Consul General.*

BANK OF AMERICA,
WESTWOOD VILLAGE BRANCH,
Los Angeles, Calif., July 23, 1954.

Hon. JOE HOLT,
Congress of the United States,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN HOLT: Mrs. Rosy Tseng has asked me to write you a letter in regard to her financial responsibility.

This lady has had an account at this branch since June 25, 1953, and during that time she has carried a satisfactory commercial account, which has been conducted properly. Mrs. Tseng seems to be a lady of some means, as we have granted her a loan secured by stocks.

Anything that you may do to assist Mrs. Tseng in securing permanent residence in the United States will be appreciated by the undersigned.

Respectfully yours,

GEORGE W. THOMPSON,
Vice President and Manager.

BANK OF AMERICA,
WESTWOOD VILLAGE BRANCH,
Los Angeles, Calif., April 27, 1955.

Hon. JOE HOLT,
Member of Congress, 22d District of California,
Washington, D. C.

HONORABLE SIR: We are writing in behalf of Mrs. Rosy Vong Quin Tseng for whom you have introduced bill No. H. R. 2921 for Mrs. Tseng.

Mrs. Tseng has been known to us for a great many years, and we have considered her both an honorable and conscientious woman. She feels very strongly about her obligations and has a high regard for the meaning of duty and service. Mrs. Tseng has been a client of ours both as a depositor and a borrower and has handled all her accounts in a most satisfactory manner.

We would unhesitatingly recommend her as a future citizen of this country and hope for an early expediting of the passage of the above mentioned bill.

Very truly yours,

GEORGE H. MOORE, *Assistant Cashier.*

H. R. 1131

The beneficiary is a 35-year-old native and citizen of Finland, who last entered the United States on June 18, 1953, without inspection. The beneficiary is married to an alien whose application for adjustment of status under section 4 of the Displaced Persons Act of 1948, has been approved and forwarded to Congress. The couple has 1 alien child and 1 citizen child born in 1955. The beneficiary's husband received a citation from our Government expressing gratitude for gallant service in assisting the escape of United States soldiers from the enemy during World War II.

A letter, with attached memorandum, dated December 10, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 10, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7501) for the relief of Irma Elina Vcela, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Services files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant this alien the status of a permanent resident of the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Finland.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE IRMA ELINA VCELA, BENEFICIARY OF H. R. 7501

The beneficiary, Irma Elina Vcela, born October 5, 1920, is a native and citizen of Finland. She last entered the

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United States at Champlain, N. Y., on June 18, 1953, surreptitiously and without inspection. Her daughter, Tanja Irmeli Ludmila Vcela, who was born on August 2, 1948, in Czechoslovakia, entered the United States on May 31, 1953, at Detroit, Mich., surreptitiously and without inspection. On October 21, 1953, warrants in deportation proceedings were issued charging both the beneficiary and her daughter with being immigrants not in possession of a valid unexpired immigration visa, reentry permit, border crossing identification card, or other valid entry document, and with entering the United States without inspection. On October 27, 1953, after being accorded a hearing, warrants for their deportation were issued.

The beneficiary attended public school for 4 years, gymnasium for 8 years, and the University of Helsinki for 1½ years. In Europe she worked as an apprentice in laboratory work. While in Czechoslovakia she met Vladimar Vcela. He entered the United States in 1948 as a visitor. After his departure from Europe, she learned that she was to give birth to his child. A proxy marriage was arranged between the beneficiary and Vladimar Vcela. This marriage took place July 29, 1949. The beneficiary has stated that the proxy marriage was recognized abroad.

After Vladimar Vcela came to the United States, he filed an application for adjustment of his immigration status under the provisions of section 4 of the Displaced Persons Act of 1948. The application is still pending before this Service.

The beneficiary and her child could not obtain visas to enter the United States for permanent or temporary stay. They went to Finland, where the beneficiary's mother and father reside, and from there went to Canada as nonimmigrants to visit the beneficiary's uncle, hopeful, however, of being able to enter the United States or seeing the beneficiary's husband at the Canadian border. After arriving in Canada, the beneficiary's efforts to obtain temporary visitor visas to enter the United States for herself and her child were again unsuccessful. She finally decided to enter the United States illegally if she could. With the assistance of her father, the child entered the United States.

Thereafter, the beneficiary entered the United States to join her husband and child. In order to make certain of the legality of their marriage, the beneficiary and her husband married once more in the United States on October 5, 1953.

The beneficiary's husband is the holder of a citation issued by the United States of America and signed by the then Gen. Dwight D. Eisenhower expressing the gratitude and appreciation of the American people for gallant service in assisting the escape of United States soldiers from the enemy.

The beneficiary resides with her husband and child in Brooklyn, N. Y., and devotes her time to the duties of a housewife. She has no relatives, other than her husband and child, residing in the United States. In addition to her parents, she has uncles, aunts, and cousins residing in

Finland. She expected to give birth to a child in November 1954.

Her husband, since July, 1950, has been employed as a supervisor by White Tower Management Corp., New York City. He earned $3,498.65 in 1953 plus $496.74 car allowance. He has $170 on deposit in a special checking account. He owns $500 in United States Treasury bonds and a motor vehicle valued at $700. He values the family's clothing and personal effects at $500. He owes approximately $400. The beneficiary has no assets of her own.

The following letter, dated October 13, 1955, was submitted to the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization concerning the immigration status of the beneficiary's husband:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., October 13, 1955.

Hon. FRANCIS E. WALTER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. WALTER: Further reference is had to your letter of June 9, 1955, concerning Mr. Vladimir Vcela.

The regional office of this service at Burlington, Vt., has advised Mr. Vcela's application for adjustment of status under section 4, of the Displaced Persons Act of 1948, as amended, was granted October 10, 1955. The case will be presented to Congress on January 16, 1956, for consideration.

Sincerely,

J. M. SWING, *Commissioner.*

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 472) as amended, should be enacted.

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Calendar No. 2154

84TH CONGRESS, 2d Session } SENATE { REPORT No. 2131

FACILITATING THE ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

JUNE 5 (legislative day, JUNE 4), 1956.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. J. Res. 533]

The Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 533) to facilitate the admission into the United States of certain aliens, having considered the same, reports favorably thereon with amendments and recommends that the joint resolution, as amended, do pass.

AMENDMENTS

1. On pages 1 and 2, strike all of section 2.
2. On page 3, strike all of section 8.
3. On page 4, strike all of section 14.

PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to grant to nine minor children adopted or to be adopted by United States citizens the status of nonquota immigrants, which is the status normally enjoyed by the alien minor children of citizens of the United States. In addition, provision is made for the admission into the United States of two aliens as the minor children of their parents, who are citizens of the United States. The joint resolution has been amended to delete two cases, inasmuch as information has been received that the children involved have been admitted to the United States for permanent residence, and to delete one additional name.

STATEMENT OF FACTS

H. R. 868

The beneficiary is a 9-year-old native and citizen of Japan, who presently resides in that country. In August 1954 he was adopted by Harold Douglas Wood, a United States citizen, who was then stationed in Japan with our Armed Forces. Mr. Wood has recently married a United States citizen, who states that she is anxious to make a home for the beneficiary.

A letter, with attached memorandum, dated June 22, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 22, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 868) for the relief of Kazuo Zajiki (Thurston Eugene Wood), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Omaha, Nebr., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that he shall be considered the natural-born child of a United States citizen.

The beneficiary is chargeable to the quota of Japan.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE KAZUO ZAJIKI (THURSTON EUGENE WOOD), BENEFICIARY OF H. R. 868

The beneficiary, Kazuo Zajiki (Thurston Eugene Wood), was born August 8, 1946, at Yonabaru Cho, Shinajiri Gun, Okinawa, and is a citizen of Japan. He resides at Awase, Okinawa, with Lt. and Mrs. James L. Sparks, and is attending the first grade of school. He is entirely dependent upon his adoptive father, Lt. Harold Douglas Wood, who resides in BOQ No. 1732, room 213, Lincoln Air Force Base, Lincoln, Nebr. The beneficiary has no close relatives in the United States except his adoptive father. His mother resides in Okinawa. He has never been in the United States.

Lt. Harold Douglas Wood, sponsor of the bill, stated that the beneficiary is the illegitimate son of an unknown American soldier and an Okinawan mother and was placed in the Alien En Orphanage at Yonabaru Cho during 1954 from which he was adopted by Lieutenant Wood about August 28, 1954. The adoptive father was returned to the United States about December 3, 1954, at which time the beneficiary

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was placed in his present address. Lieutenant Wood pays $60 monthly for the beneficiary's board and room in the Sparks' residence.

The sponsor was born March 12, 1927, at Philadelphia, Pa., is a graduate of Howard University and a career officer in the United States Air Force. He stated he will probably marry within the next year and is able to furnish the beneficiary a proper home. Lieutenant Wood receives a salary of $281 monthly plus quarters, allowance, and subsistence. His assets consist of a checking account of approximately $260.

In addition, the Director of the Visa Office, Department of State, submitted the following report on the case dated February 14, 1955, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, February 14, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of February 4, 1955, and its enclosures, wherein you requested a report of the facts in the case of Kazuo Zajiki (Thurston Eugene Wood), beneficiary of H. R. 868, 84th Congress, 1st session. Reference is also made to the Department's telephonic acknowledgment of February 4, 1955.

According to information contained in the Department's files, Lt. Harold D. Wood, United States Air Force, stationed at Okinawa, wrote to the Department on September 20, 1954, requesting assistance in obtaining a visa for his adopted son, Kazuo Zajiki (Thurston Eugene Wood), under the provisions of the Refugee Relief Act of 1953. The Department's records further show that a letter was written to Lieutenant Wood on October 11, 1954, stating that section 5 (b) (2) (a) of the Refugee Relief Act of 1953 had been construed by the Department to mean that an unmarried United States citizen may not bring an alien orphan to the United States under the provisions of the act and that the American consular officer concerned could not therefore issue an immigrant visa thereunder to the alien.

As the Japanese quota, to which the alien would be chargeable, is heavily oversubscribed a long period of waiting must be anticipated before a quota number could be allotted for his use.

At this time the Department has no knowledge of any factor in the case of Kazuo Zajiki (Thurston Eugene Wood), other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility whidh may come to light prior to visa issuance would preclude him from receiving a visa.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Congressman Hugh J. Addonizio, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following letter and statements in support of the bill:

307TH PERIODIC MAINTENANCE SQUADRON,
307TH BOMBARDMENT WING (M),
LINCOLN AIR FORCE BASE,
Lincoln, Nebr., August 23, 1955.

Hon. HUGH J. ADDONIZIO,
House of Representatives, Washington, D. C.

DEAR SIR: I trust that you are well and enjoying your vacation. I hope you will excuse me for once again writing; however, I have refrained from doing so for so long I could not put it off any longer.

I'm interested to know the status of Eugene's bill for the visa. The last letter I had from you with an attached letter informing you of the hearing has left me in suspense awaiting the outcome.

If the hearing will not be held before Congress convenes in January, I would certainly appreciate it if you could inform me how I could go about getting a visitor's visa for him to reside with my parents until I get married in December.

My heart is heavy thinking of the little fellow and his letters pleading with me to send for him.

I sincerely appreciate all that you are doing and have done in aiding me to secure a visa for Eugene.

With admiration and the greatest respect.

HAROLD D. WOOD,
First Lieutenant, USAF.

CERTIFICATE OF ADOPTION IN OKINAWA

OFFICE OF THE MAYOR OF YANABARU-CHO, OKINAWA

I, Shinsuke Kaneshima, mayor of Yonabaru-Cho, Okinawa, do hereby certify that Kazuo Zajiki, age 8, born at 2-Han Yuubaru-Ku, Yonabaru-Cho, Okinawa, and now residing at Airin En, Yonabaru-Cho, Okinawa, was adopted by 2d Lt. Harold D. Wood, a citizen of the United States, of 68 Sherman Avenue, Newark, N. J., and now residing at 307th Periodic Maintenance Squadron, 307th Bomb Wing (M), APO 239, San Francisco, Calif., on this 28th day of August 1954.

The parties signed in my presence the notification of adoption required by article 8484 of the Civil Code, which was witnessed by Glen P. McGlothin, USAF, and Tsuyoshi Kadena.

The above-mentioned notification was filed and accepted by me, and the original of same is in the archives of the Yonabaru-Cho Office, Yonabaru-Cho, Okinawa.

In witness whereof I have hereunto subscribed my name and affixed my seal at Yonabaru-Cho, Okinawa, this 28th day of August 1954.

SHINSUKE KANESHIMA,
Mayor, Yonabaru-Cho.

Witnesses:

GLEN P. MCGLOTHIN,
United States Air Force.
TSUYOSHI KADENA.

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NOTIFICATION OF ADOPTION

To: The Mayor, Yonabaru Cho, Shimajiri Gun, Okinawa.

Adoptive father

Name: Harold D. Wood.
Date of birth: March 12, 1927.
Legal address: 608 Sherman Avenue, Newark, N. J.
Present address: 307th Periodic Maintenance Squadron, 307th Bomb Wing (M), APO 239, San Francisco, Calif.
Occupation: Officer, USAF.
Marital status: Single.

Adoptive mother

[Blank.]

Child to be adopted

Name: Zajiki, Kazuo.
Date of birth: August 8, 1946.
Legal address: 853 Azo Yonabaru, Yonabaru Cho, Shimajiri Gun, Okinawa.
Present address: 2 Han, Yuubaru Du, Yonabaru Cho, Okinawa.
Relationship to head of family: Son.
Father's name: Unknown.
Mother's name: Zajiki, Nae.
Mother's legal address: 853 Azo Yonabaru, Yonabaru Cho, Shimajiri Gun, Oki.

Witness our signature this 28 day of August 1954, at the mayor's office, Azo Yonabaru, Yonabaru Cho, Shimajiri Gun, Okinawa.

(Signature of adoptive father) HAROLD D. WOOD.
(Signature of adoptive mother) ———— ————.
(Signature of mother) SASHIKI NAE.

Witnesses:

NARONOLI SUNPISH,
Social Affairs Department, G. R. I.
TSUYOSHI KADENA.

I, the undersignature as mother of the child to be adopted, hereby consent to the above-mentioned adoption.

SASHIKI NAE.

CERTIFICATE OF ACCEPTANCE OF NOTIFICATION

This is to certify that the foregoing notification of adoption has been filed and accepted by me this 28th day of August 1954.

SHINSUKE KANESHIMA.

In addition, Congressman Addonizio submitted to the Senate Committee on the Judiciary the following letter from Mrs. Woods concerning the beneficiary of the bill:

NEWARK, N. J., *May 14, 1956.*

Hon. HUGH J. ADDONIZIO,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN ADDONIZIO: My husband, Harold Wood, has informed me that it would be necessary for me to make a statement in behalf of our son, Thurston Eugene Wood.

I am more than happy to say that I will make a home for Eugene and afford him all parental cares.

As an insight into the expectancy of Eugene's arrival you will note our residence has changed. This move was made because we didn't have sufficient room for Eugene and because a school was not located near enough.

We now have a beautiful place for Eugene with a good school located very near.

I have Eugene's bedroom set and a few other things I thought he would like. I had honestly thought he would be here sometime during this month.

I am as anxious for his arrival as my husband is.

You may rest assure, Congressman Addonizio, that Eugene will be properly cared for and loved by me as well as my husband.

Very truly yours,

BARBARA M. WOOD.

H. R. 1147

The beneficiary is a 13-year-old native and citizen of the Philippine Islands. On June 13, 1952, she was adopted in the Philippines by Martin August, a United States citizen, and his wife. Mr. August served in the United States Navy from 1920 until 1945, at which time he retired. He is presently employed in the Philippines, where the family resides.

A letter, with attached memorandum, dated November 23, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., November 23, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 1147) for the relief of Saturnina M. August, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Washington, D. C., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act by providing that the child shall be considered the natural-born alien child of Martin August, a citizen of the United States.

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As a quota immigrant the child would be chargeable to the quota for the Philippine Islands.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE SATURNINA M. AUGUST, BENEFICIARY OF H. R. 1147

Information concerning this case was obtained from the beneficiary's stepfather, Martin August.

The beneficiary is a 13-year-old child, a native and citizen of the Philippines. She was born on June 2, 1942, in Delaquete, Cebu, Philippine Islands. She has never been in the United States. Her natural parents are unknown.

The beneficiary's stepfather, Martin August, is a citizen of the United States. He was born on December 26, 1900, at Fall River, Mass. He served with the United States Navy from December 26, 1920, until November 23, 1945, at which time he retired. His retirement pay is $179 per month. His assets consist of real estate valued at $25,000, cash savings in the amount of $10,000, and insurance valued at $5,000. Mr. August is presently employed as a machinist by the Caltex Corp. in Bauan, Batangas, Philippine Islands. The beneficiary's stepmother, Mrs. Martin August, was born on February 16, 1905, and is a citizen of the Philippines. Mr. and Mrs. August were married on March 25, 1932, in the Philippines. They state that they adopted the beneficiary on June 13, 1952, in the justice of the peace court of Alcoy, Cebu, Philippine Islands. The beneficiary resides with Mr. and Mrs. August at 154 F. Roman Street, San Juan, Rizal, Philippine Islands.

The committee may wish to direct a request to the Bureau of Security and Consular Affairs of the Department of State for additional information concerning this case.

The Director of the Visa Office, Department of State, also submitted the following report concerning the case to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, April 1, 1955.

The Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of February 17, 1955, and its enclosures, wherein you requested a report of the facts in the case of Saturnina M. August, beneficiary of H. R. 1147, 84th Congress, 1st session.

You are informed that the Department has received information from the American Embassy at Manila in December 1954, that Mr. August called at the Embassy concerning his adopted daughter's case and was furnished information and forms for use in applying for Saturnina's admission into the United States as a fourth preference applicant. However, as the Philippine quota, including the fourth

preference category thereof, is heavily oversubscribed she will necessarily experience a considerable delay before a quota number becomes available for her use. Although there is apparently no way in which action on her case may be expedited, you may be assured that the consular officer concerned will accord her application every consideration and take final action thereon at the earliest possible date.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office
(For the Secretary of State).

The Bureau of Naval Personnel, Department of the Navy, submitted the following information concerning the naval service of the beneficiary's adoptive father, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF THE NAVY,
BUREAU OF NAVAL PERSONNEL,
Washington, D. C., December 9, 1955.

Hon. EMANUEL CELLER,
House of Representatives, Washington, D. C.

MY DEAR MR. CELLER: This is in reply to your letter of December 2, 1955, concerning a verification of service and record information of Martin August, chief machinist's mate, United States Navy.

A verification of the naval service of August is forwarded.

It is hoped that the foregoing satisfactorily answers your inquiry.

By direction of Chief of Naval Personnel:

Sincerely yours,

E. A. DONOVAN,
Assistant Director, Enlisted Services and Records Division.

DEPARTMENT OF THE NAVY,
BUREAU OF NAVAL PERSONNEL,
Washington, D. C., December 9, 1955.

To Whom It May Concern:

Subject: Martin August, 2227560, MMLC, USN (retired), verification of service.

1. The records of the Bureau show the following information:

December 27, 1920: Enlisted as fireman, third class, at United States Navy Recruiting Station, Brooklyn, N. Y.

December 19, 1924: Issued honorable discharge as motor machinist's mate, second class, at receiving barracks at Hampton Roads Naval Operating Base, Hampton Roads, Va.

March 2, 1925: Reenlisted as motor machinist's mate, second class, at United States Navy Recruiting Station at New York, N. Y.

May 17, 1931: Issued honorable discharge as machinist's mate, first class, on board the U. S. S. *S–41* at Shanghai, China.

May 18, 1931: Reenlisted as machinist's mate, first class, on board the U. S. S. *S–41* at Shanghai, China.

May 14, 1935: Issued honorable discharge as machinist's mate, first class, on board the U. S. S. *S–41* at Manila, Philippine Islands.

May 15, 1935: Reenlisted as machinist's mate, first class, on board the U. S. S. *S–41* at Manila, Philippine Islands.

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May 8, 1942: Issued honorable discharge as machinist's mate, first class, on board the U. S. S. *Black Hawk* at Fremantle, Australia.

May 9, 1942: Reenlisted as machinist's mate, first class, on board the U. S. S. *Black Hawk* at Fremantle, Australia.

September 12, 1944: Transferred to Fleet Reserve, class F4D, and retained on active duty.

November 23, 1945: Released to inactive duty as chief machinist's mate.

March 1, 1951: Retired.

December 26, 1900: Born at Fall River, Mass.

2. The records of the Bureau disclose that August has been residing in the Philippine Islands since his release from active duty on November 23, 1945.

By direction of Chief of Naval Personnel:

E. D. BARP,
Assistant Head, Branch 1,
Enlisted Services and Records Division.

H. R. 1413

The beneficiary is a 12-year-old native and citizen of Italy, who presently resides in that country. On July 16, 1952, she was adopted in Italy by her aunt and uncle, Mr. and Mrs. James Venafra. Mrs. Venafra is a citizen of the United States and her husband is a lawful resident alien.

A letter, with attached memorandum, dated May 9, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 9, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 1413) for the relief of Teresa Langone Venafra, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural born alien child of a United States citizen.

As a quota immigrant, the child would be chargeable to the quota of Italy.

Sincerely,

J. M. SWING, *Commissioner.*

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE TERESA LANGONE VENAFRA, BENEFICIARY OF H. R. 1413

The beneficiary, Teresa Langone Venafra, is a native and citizen of Italy, who was born February 20, 1944. She presently resides with her natural parents, Mr. and Mrs. Pancrazio Langone, who also have two other children. She was legally adopted in Italy, on July 16, 1952, by her father's sister, Mrs. Antonia Maria Venafra, who is now desirous of bringing the alien to the United States. Information concerning the child was furnished by Mrs. Venafra, who is the sponsor. She made a visit to Italy, from August 1952 to March 1953.

The adoptive parents, Mrs. Antonia Maria Venafra, and her husband, Innocenza (James), are childless. Mrs. Venafra has been a naturalized United States citizen since May 11, 1929. She has resided in the United States since May 1920, and was married in New York City in May 1922. Mr. Venafra is a legally resident alien. The sponsor is employed as a dress-machine operator in New York City, and averages $55 per week. Her husband is employed as a construction laborer and averages $80 per week. Their assets consist of $4,000 in a savings account, a two-family house valued at about $11,000 and personal property valued at approximately $4,000.

H. R. 5133 was previously introduced in the 83d Congress in behalf of the subject on May 11, 1953.

Congressman John H. Ray, the author of the bill, submitted the following information in support of the bill:

THE OLIVET PRESBYTERIAN CHURCH,
West New Brighton, N. Y., March 30, 1955.

Congressman JOHN H. RAY,
Washington, D. C.

HONORABLE SIR: This is to say that I have known Mrs. Innocenzo Venafra of 102 Caroline Street, Staten Island 10, N. Y., for over 20 years and can testify to the fine citizen she has been during these years. Mrs. Venafra owns the property she lives in and the income is more than sufficient to meet all expenses.

Besides this both she and her husband are regularly employed at a good salary.

The health of both husband and wife is good, and the adoption of the little girl that you have sponsored for her under the bill known as H. R. 1413 will find a very good home where she will find much love. Mrs. Venafra is the little girl's aunt.

I am glad to recommend the applicant.

Very sincerely yours,

JOSEPH S. DEROGATIS, *Pastor.*

MUNICIPAL OF TRICARICO, *1952*.

Extract from Act of Birth in the year 1944, part 1, series A, volume 1, No. 46, of Teresa Langone Venafra (father's name, Pancrazio).

In the year 1944, on the 20th day of February at 11 o'clock at the bureau of records:

Before me appeared Recorder Peter Anzilotta, official secretary of the Municipal Civil State of Tricarico, representing Pancrazio Langone (father's name Pasquale), at his request, 35 years of age, a dayworker, resident of Tricarico, in the presence of Antonio Zasa (father's name Giuseppe), 36 years of age, bricklayer, resident of Tricarico, who declared to me the following:

On the 20th day of February 1944, at 3:30 at No. 2 Largo Beccai, Teresa Montesano (father's name Rocco), 23 years of age, dayworker, an Italian citizen, a resident of Tricarico, wife of the declarer, an Italian citizen, a resident of Tricarico, wife of the declarer, gave birth to a child, sex female.

Said child's name was declared to be Teresa.

The present act was read in the presence of others, all of which together with me, subscribe herewith: Pancrazio Langone, Antonio Zasa, Nicola Dollereto, official of the civil state, Pietro Anzilotta.

[Seal and stamps affixed.]

The present copy is turned over, a copy of which has been conformed with the original, at the request of those interested for use of immigration purposes.

Dated at Tricarico, July 1, 1952.

ATTILIO DEMMA,
Official of the Civil State.

[Seal affixed.]

N. B.—With the consent of the Court of Appeals of Potenza, on March 5, 1952, Teresa Langone was adopted by Innocenzo Venafra and Antonia Maria Langone, assuming the last name of Venafra.

Dated at Tricarico, July 1, 1952

ATTILIO DEMMA,
Official of the Civil State.

[Seal affixed.]

On this 16th day of July 1952 before me came Attilio Demma (official of the civil state), affixed his signature hereto.

VINCENZO SPADARO,
Magistrate.

[Seal affixed.]

Ministry of Grace and Justice witnessed the authenticity of the signature of Magistrate Vincinzo Spadaro, Rome, August 4, 1952.

NICOLINO ABATE,
Functioning Delegate.

[Seal and stamps affixed.]

Minister of Eastern Affairs witnessed the authenticity of the signature of Nicolino Abate, Rome, August 6, 1952, order of the Minister, Luigi Rizzo.

H. R. 1494

The beneficiary is a 15-year-old native and citizen of Yugoslavia, who presently resides in that country. She is to be adopted by Mr. and Mrs. Otto Mayer, who are citizens of the United States. Mrs. Mayer is a cousin of the beneficiary.

A letter, with attached memorandum, dated July 23, 1954, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

JULY 23, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7100) for the relief of Irenka Petravanovic, there is attached a memorandum of information concerning the beneficiary and the sponsors. This memorandum has been prepared from the Immigration and Naturalization Service files by the Memphis, Tenn., office, which has custody of the relating files. According to the sponsors the correct name of the beneficiary is Irenka Petranovic.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered to be the natural-born alien child of United States citizens.

As a quota immigrant the child would be chargeable to the quota of Yugoslavia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM THE IMMIGRATION AND NATURALIZATION SERVICE FILES RE IRENKA PETRAVANOVIC, BENEFICIARY OF H. R. 7100

The beneficiary is residing abroad. Mr. and Mrs. Otto Mayer, sponsors of the private bill, have furnished the following information.

Correct name of the beneficiary as furnished by sponsors is Irenka Petranovic. Beneficiary was born about 1940 at Delnice, Gorski, Kotar, Croatia, Yugoslavia. She is a citizen of Yuguslavia and her present address is Stanica 25, Delnice, Gorski, Kotar, Croatia, Yuguslavia. She has never been in the United States. Beneficiary has finished the eighth grade of school, has no political activities, the only social activities are home and in the small community where she resides. Beneficiary has never been married, and has no criminal record.

Mrs. Otto (Emilia) Mayer, cosponsor, is a cousin of beneficiary. Sponsors visited Yugoslavia for several months in 1952, and decided at that time to attempt to bring beneficiary to the United States in order to educate and care for her.

Investigation has disclosed sponsors are well able financially to support and educate beneficiary. They own their own home and novelty shop situated on a 9-acre plot on United States Highway 62 on the outskirts of Eureka Springs, Ark., valued, conservatively, at about $8,000. They also own a home in West Frankfort, Ill. of substantial value, and other assets of several thousand dollars.

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Mr. Otto Mayer, cosponsor of beneficiary, is a well-known traveler and lecturer, showing to schools and colleges travel color films which he has made in various countries.

Sponsors are childless, and apparently are sincere in their desire to bring beneficiary to the United States to rear as their own child.

Investigation of sponsors failed to reveal that they are other than persons of good moral character.

In addition, the Director of the Visa Office, Department of State, submitted the following report in connection with the case to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, May 10, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of April 15, 1954, and its enclosures, wherein you request a report of the facts in the case of Irenka Petravanovic, beneficiary of H. R. 7100, 83d Congress, 2d session.

According to a communication received from the American Embassy at Belgrade this young girl is registered as a nonpreference applicant on the waiting list for the Yugoslav quota with priority as of August 24, 1953. In view of the very heavily oversubscribed condition of the quota, a protracted delay of indefinite duration is to be anticipated before a number from the quota will become available for her use.

At this time, the Department has no information from which it can be ascertained whether Irenka Petravanovic would be otherwise eligible to receive an immigrant visa under the immigration laws and regulations.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Secretary of State).

Congressman J. W. Trimble, the author of the bill, submitted the following letter in support of the bill:

BILOXI, MISS., *January 12, 1954.*

Hon. J. W. TRIMBLE,
Member of Congress, Washington, D. C.

DEAR MR. TRIMBLE: Replying to your letter of January 7, we wish first to thank you for the interest you are taking in trying to make it possible for us to bring Irenka to this country. Naturally, we expect to be responsible for Irenka's support in the event she is permitted to come over here. In fact, the first thing one must do to start such proceedings is to mail two signed and notarized affidavits of support to the prospective immigrant, who, in turn, leaves one of these with the American consul located nearest their home; in this case, the consul in Zagreb. Not only are we prepared to support the child, once she is in this country, but we already have a year's supply of clothing ready for her. We have, also, written to a private school relative to her attending there in case she is admitted. We want her to have the best possible education so that she will be able to fit into our society and

become a good citizen. We feel sure that if she is admitted you as well as others, who help make it possible, will never have reason to regret your action. The child comes from good antecedents with morals above reproach; proud, honest, and hard working people.

We are also writing today to Arkansas to inquire into the possibility of adopting Irenka while she is still in Yugoslavia. We will let you know what the report is as soon as we have an answer.

Respectfully yours,

OTTO MAYER.

H. R. 1902

The beneficiary is a 12-year-old native and citizen of Japan, who has been adopted by M. Sgt. Thomas J. Skuntz, who is presently stationed in Japan with our Armed Forces. Sergeant Skuntz was recently married to a citizen of Japan, who states that she will provide the beneficiary with the best of care.

A letter, with attached memorandum, dated January 3, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 3, 1955.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 10264) for the relief of Paul Skuntz, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Wilkes-Barre, Pa., office of this Service, which has custody of this file.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of a United States citizen.

As a quota immigrant, the child would be chargeable to the quota of Japan.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILE RE PAUL SKUNTZ, BENEFICIARY OF H. R. 10264

The beneficiary, Paul Skuntz, is an 11-year-old child, a native and citizen of Japan, born October 2, 1943. He has never been in the United States. He was adopted in Japan, date unknown, by M. Sgt. Thomas James Skuntz, the party interested in his case. Thomas J. Skuntz became acquainted with the beneficiary while visiting a Catholic orphan's home in Japan, became attached to him and decided to adopt him as his son.

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Thomas J. Skuntz is a United States citizen who was born on December 4, 1919, at Ashley, Pa. He completed the elementary public school in Ashley, Pa., and joined the Civilian Conservation Corps. In 1939, with his parents' permission, he enlisted in the United States Army and has served continuously to date. He is stationed in Osaka, Japan, and attached to the Medical Detachment, Army Hospital, 8009 Army Unit, as a master sergeant, serial No. RA6997581. He has never been married, has no dependents, and annual income is $4,683.

In addition, the Director of the Visa Office, Department of State, submitted the following report on the case to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, May 17, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of February 25, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Paul Skuntz, beneficiary of H. R. 1902, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated March 30, 1955, from the American consulate general, Kobe, Japan.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Mr. Skuntz would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

OPERATIONS MEMORANDUM

MARCH 30, 1955.

To: Department of State.
From: AMCONGEN, Kobe, Japan.
Subject: Visas: Immigrant case of Paul Skuntz (Takao Matsushita).
Ref.: Department's OMV 56 dated March 16, 1955.

M. Sgt. Thomas Skuntz called at the consulate general in August 1954 requesting information concerning the immigration of his adopted son, Paul Skuntz (Takao Matsushita), who was born in Japan on October 2, 1943, to the United States under the provisions of the Refugee Relief Act (Public Law 203).

During the course of the interview it was revealed that Sergeant Skuntz is unmarried and that his adopted son is over 10 years of age and could therefore not meet the requirements of section 5 (a) of Public Law 203 in that he is not the adopted son of an American citizen and spouse and is over 10 years of age.

Sergeant Skuntz was informed that he could execute petition form I–133 approval of which by the Attorney General

of the United States would entitle his adopted son to fourth preference status under the annual quota for Japan; but in view of the fact that this portion of the Japanese quota was heavily oversubscribed he would have to anticipate a protracted waiting period before a quota number might become available for the child's use.

A request for the registration of Paul Skuntz on the consulate general's waiting list of intending immigrants has not, as of this date, been received.

Congressman Daniel J. Flood, the author of the bill, submitted the following letters and statements in support of the bill:

TROOP HEADQUARTERS, 8067TH ARMY UNIT,
KOBE QUARTERMASTER DEPOT,
APO 317, August 26, 1955.

Hon. DANIEL J. FLOOD,
Wilkes-Barre, Pa.

DEAR MR. FLOOD: Your letter of July 25, 1955, was received and I cannot tell you how bad I feel that the bill to allow my son to enter the United States was not passed at the last session of Congress.

Enclosed are the necessary affidavits as per your request and I hope they are in order. In the event other documents are necessary, I trust that you will let me know with the least practicable delay.

My sister, Mrs. Michael Humenanski, has informed me that she sent you a number of affidavits from people at home, and if any others are needed I can obtain them from members of the military service.

It is hoped that an early passage of this bill can be effected since I only have until the last of August 1956 before my return to the continental United States. In the event you feel that more time will be necessary I wish you would send me some official document which would effect an extension of my foreign service tour. Current regulations are that a tour of duty in the Far East Command can be for a maximum period of 4 years, and by August 1956, my tour of duty in this command will already have been 4½ years. If bill is not passed prior to my departure from this command, can Paul be permitted to enter the United States under a temporary student, nonquota visa pending final action of bill? If this is possible, how will I be able to obtain such a visa?

I don't know what else to say at this time except that I am most grateful for all you are doing for my family. I pray that there will be no further difficulties or complications arising which will cause undue delay in allowing my boy to enter the United States.

Your correspondence is traveling by surface mail and it takes quite sometime for intercommunications.

All future help you give in this matter will be greatly appreciated.

Sincerely yours,

THOMAS J. SKUNTZ,
Master Sergeant, RA6997581 U. S. Army.

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AFFIDAVIT

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared Setsuko Skuntz, Government Quarters No. 326–A Hamadera Park Housing Area, Osaka, Japan, who first having been advised of her rights under article 31, UCMJ, MCM, 1951, deposes and says:

I, Mrs. Setsuko Skuntz, formerly Miss Setsuko Fitao, the wife of M. Sgt. Thomas J. Skuntz, presently residing at Government Quarters No. 326–A, Hamadera Park Housing Area, Osaka, Honshu, Japan, do hereby state that I concur with my husband's desires, and wish that Takao Matsushita, now known as Paul Skuntz, the adopted son of my husband, be permitted to enter the United States. I love him, and I will give him the best of care and protection.

SETSUKO SKUNTZ.

Sworn to and subscribed before me this 29th day of August 1955.

ROBERT L. SMALL,
First Lieutenant, QMC, Summary Court.

AFFIDAVIT

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared Thomas J. Skuntz, RA6997581, Master Sergeant, Troop Headquarters 8067th AU, KQMD, APO 317, who first having been advised of his rights under article 31, UCMJ, MCM, 1955, deposes and says:

I, M. Sgt. Thomas J. Skuntz, RA6997581, 8067th Army Unit, Kobe Quartermaster Depot, APO 317, state that I was married on July 14, 1955, to Miss Setsuko Kitao, at Ikuta Ward Office, Kobe City, Honshu, Japan. Said marriage was witnessed by Maida F Stotts, vice consul of the United States at Kobe City, Honshu, Japan

I further state that I adopted Takao Matsushita, now known as Paul Skuntz, on May 12, 1954, at family court, Kobe City, Honshu, Japan, with Judge Ikuji Takahashi, family court judge presiding. This is to further state that in the event my adopted son, Takao Matsushita, now known as Paul Skuntz, is permitted to enter the United States, I will support, and educate him, and I guarantee that I will be responsible for his care and welfare and that he shall not become a public charge.

THOMAS J. SKUNTZ.

Sworn to and subscribed before me this 29th day of August 1955.

ROBERT L. SMALL,
First Lieutenant, QMC, Summary Court.

TROOP HEADQUARTERS, 8067TH ARMY UNIT,
KOBE QUARTERMASTER DEPOT,
APO 317, January 6, 1956.

Hon. DANIEL J. FLOOD,
House of Representatives, Washington, D. C.

DEAR MR. FLOOD: On August 26, 1955, I sent the necessary affidavits as you requested. I also stated at that time that in the event

any other papers were necessary I would send them as soon as possible. I received an acknowledgment from your secretary, and was informed that you were on an inspection tour overseas.

I wrote to my sister, Mrs. Michial Humenanski to contact you regarding my bill, and as yet I have received no reply from her. Since Congress has reconvened, I am writing in hope to get an early passage to this bill, and to further ask that if this bill is further delayed, what can I do to have Paul enter the United States with me, as I am to depart here the last of August of this year. I am most anxious in this matter since my departure date is nearing.

Lt. Col. Walter B. Russell, the brother of Senator Richard B. Russell, is a member of this unit, and he heard of my situation and volunteered to write to his brother requesting him to render any assistance deemed necessary. He seems very interested and is anxious to help me if he can.

Paul is now in the 5th grade of school and reports from his teacher indicate that he is doing very well. He is completely Americanized and is looking forward to a very happy and successful life as an American citizen.

Trusting that you had a most enjoyable holiday season, and wishing you all the luck through the year and many years to come, I remain,

Sincerely yours,

THOMAS J. SKUNTZ,
Master Sergeant, RA6997581.

H. R. 2501

The beneficiary is a 2-year-old native and citizen of Italy, who presently resides in that country. Her father is a United States citizen and a member of our Armed Forces. The beneficiary's mother died before arrangements could be completed for her to marry the beneficiary's father. If the child is permitted to enter the United States, she will be cared for by her father's mother.

A letter, with attached memorandum, dated December 15, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 15, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 2501) for the relief of Elizabeth Legere, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass. office of this Service, which has custody of those files.

The bill would confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act by providing that the child shall be considered the natural-born alien child of Robert Henry Legere, a citizen of the United States.

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As a quota immigrant, the child would be chargeable to the quota of Italy.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE ELIZABETH LEGERE, BENEFICIARY OF H. R. 2501

Information concerning the case was furnished by Robert Henry Legere, the beneficiary's father, whose home address is 383 Mount Hope Street, North Attleboro, Mass., and by Mrs. Elizabeth Legere, the mother of Robert Henry Legere, of the same address.

Elizabeth Legere, nee Branca, a native and citizen of Italy, was born on December 22, 1953, in Naples. She is the daughter, born out of wedlock, of Ennia Branca, a native and citizen of Italy, and Robert Henry Legere. The child's mother died in June 1954, in Italy. The beneficiary is being cared for by the wife of a member of the United States Navy who is stationed in Naples, Italy, and the cost of her care is being furnished by the child's father. It is not known by this Service whether or not the child has any relatives in Italy. It is alleged that subsequent to the death of the child's mother, Mr. Legere asked that a United States passport be issued to the child by the United States consulate at Naples, Italy, but the issuance of the passport was denied because the child had not been legitimated under the laws of Italy. It is also alleged that a request was made at the same consulate for the issuance of an immigrant visa to the child but this was denied also because Mr. Legere had not adopted the child.

Robert Henry Legere, a native citizen of the United States, was born in North Attleboro, Mass., on May 5, 1932. He completed grammar school and high school in Attleboro, Mass., and has never married. Mr. Legere enlisted in the United States Navy on February 26, 1951, and has a rating of quartermaster 3d class. He is presently serving on the U. S. S. *Benewah* and his foreign address is APO 35, care of FPO, New York, N. Y. He has no assets or income other than his naval pay of $2,400 a year. It is alleged that Mr. Legere was engaged to marry the mother of the beneficiary but permission to do so was denied by the Navy. Subsequent to the denial for permission to be married, Mr. Legere again asked for permission to marry but before marriage arrangements could be completed and naval permission granted, the child's mother died. The child's father has made arrangement, in the event the beneficiary is permitted to come to the United States, to bring her into the home of his mother who will care for the child.

Robert Henry Legere and Mrs. Elizabeth Legere are the persons primarily interested in the bill.

In addition, the Director of the Visa Office, Department of State, submitted the following report dated April 12, 1955, relating to the case, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, April 12, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of March 1, 1955, and its enclosures, wherein you requested a report of the facts in the case of Elizabeth Legere, beneficiary of H. R. 2501, 84th Congress, 1st session.

A report recently received by the Department from the American consulate general at Naples, Italy, read as follows:

"Although Mr. Legere has called at this office regarding his desire to have the child Elizabeth Legere enter the United States for permanent residence, no action has been taken on a visa application pending her legitimation and the consequent possibility that she be found entitled to United States citizenship.

"The records of the consulate general show that Elizabeth Legere was born at Naples, Italy, on December 22, 1953, to Robert Henry Legere, a member of the United States Navy and Vincenza Branca di Quirino, an Italian national who died in Italy before permission was granted by the United States naval authorities for Legere to marry the mother of the child in question. Robert Henry Legere was born at North Attleboro, Mass., on May 5, 1932, and continuously resided in the United States until September 1, 1951, at which time he departed from the United States as a member of the United States Navy. There is pending at this office a preliminary application for an immigration visa for the child. However, Robert Henry Legere has taken steps to obtain an Italian presidential decree, provided for in section 284 of the Italian Civil Code, to legitimate the child in question. The attorney in the case has stated that it is anticipated that such decree will be issued within the next few months. It appears that if the decree is finally issued, Elizabeth Legere may be considered to have acquired at birth American nationality under section 309 (a) of the Immigration and Nationality Act."

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Congressman Joseph W. Martin, Jr., the author of the bill, submitted the following letters and statements in support of the bill:

OFFICE OF THE MINORITY LEADER,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 11, 1955.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee on Immigration,
Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In further reference to H. R. 2501, my bill for the relief of Elizabeth Legere, I transmit herewith a letter which

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I have received from the American counsul general in Naples, Italy, setting forth the facts in the case.

I trust this information will be helpful to your committee in the consideration of this bill.

Sincerely yours,

JOSEPH W. MARTIN, Jr.

THE FOREIGN SERVICE
OF THE UNITED STATES OF AMERICA,
AMERICAN CONSULATE GENERAL,
Naples, Italy, January 28, 1955.

Hon. JOSEPH W. MARTIN, Jr.,
House of Representatives, Washington, D. C.

MY DEAR MR. MARTIN: I have your letter of January 19, 1955, in which you state that you have introduced a private bill in Congress to permit the entry into the United States of Elizabeth Legere, of Vico della Solitaria No. 3, Naples, Italy, and you request that you be informed of the facts in the case as they are known to this consulate general.

I am pleased to furnish below information as supplied to this office by Robert Henry Legere, a member of the United States Navy presently stationed at Naples, Italy.

Elizabeth Legere was born at Naples, Italy, on December 22, 1953, to Robert Henry Legere and Vincenza Branca di Quirino, an Italian national now deceased. Mr. Legere stated that he was born at North Attleboro, Mass., on May 5, 1932, and that he continuously resided in the United States until approximately September 1, 1951, at which time he departed as a member of the United States Navy.

Inasmuch as Elizabeth Legere was never legitimated she did not acquire at birth a claim to American nationality. However, Mr. Legere exhibited evidence that he was taking steps to obtain an Italian presidential decree under section 284 of the Italian Civil Code to legitimate the child in question, and the Italian attorney assisting Mr. Legere has stated that several months may intervene before the decree is issued in the case. It appears that if the decree is finally issued, Elizabeth Legere may be considered to have acquired at birth American nationality under section 309 (a) of the Immigration and Nationality Act.

Since an illegitimate child is not within the meaning of the term "child" as referred to in section 101 (b) (1) of the Immigration and Nationality Act, the subject child cannot presently qualify for a nonquota immigrant visa. However, Mr. Legere has filed a preliminary visa application at this office in the event that he is unsuccessful at legitimating the child under Italian law. Both the visa and citizenship sections of the consulate general are extending every sympathetic consideration to the case of Elizabeth Legere, and as Mr. Legere has been assured, further action will be taken in her case as soon as there has been any material change in her status.

Sincerely yours,

ALFRED T. NESTER,
American Consul General.

OFFICE OF THE MINORITY LEADER,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 31, 1955.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee on Immigration,
Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: On January 17, 1955, I introduced H. R. 2501, a bill for the relief of Elizabeth Legere, the illegitimate daughter of Robert Henry Legere, of North Attleboro, Mass., who is presently serving in the United States Navy.

The child's mother died in June 1954; consequently, the child is not eligible for relief under the provisions of Public Law 162, 83d Congress, because the father is not married.

Enclosed are a copy of the child's birth certificate and translation, and it would be appreciated if the appropriate departmental reports could be requested so that consideration can be given to the bill.

Sincerely yours,

JOSEPH W. MARTIN, JR.

[Unofficial translation]

CITY HALL OF NAPLES

OFFICE OF VITAL STATISTICS

The undersigned, officer of vital statistics, certifies that from the registry of the records of birth for the year 1954, Part I, Serial B, N. 83, Burrough: S. Lorenzo, there appears that on the 22d day of the month of December of the year 1953, was born in Naples, Elizabeth Legere.

Father's name: Robert Henry.

Mother's name: [Blank].

Naples, September 22, 1954.

Signed (Illegible),
The Officer of Vital Statistics.
Signed (Illegible),
The Responsible Transcriber.
S. LORENZO, *Burrough.*

[Wet seal of the City Hall of Naples]

H. R. 2517

The beneficiary is a 12-year-old native and citizen of Australia, who presently resides in that country with his grandmother. His mother was married on October 3, 1947, to Walter Eugene Austin, a United States citizen. She was admitted to the United States on August 21, 1950, for permanent residence, and in June 1953, was naturalized a citizen of this country.

A letter, with attached memorandum, dated June 16, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same beneficiary, reads as follows:

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JUNE 16, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 7686) for the relief of Lynton John Band, there is attached a memorandum concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service which has custody of those files.

The bill would confer nonquota status upon the alien child by providing that he shall be considered the natural-born alien child of United States citizens.

As a quota immigrant the beneficiary would be chargeable to the quota of Australia.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES CONCERNING LYNTON JOHN BAND, BENEFICIARY OF H. R. 7686

The information concerning the beneficiary was furnished this Service by his mother, Mona Band Austin and Walter Eugene Austin.

The beneficiary, Lynton John Band, a minor 10 years of age, is a native and citizen of Australia, born out of wedlock on September 11, 1943, at Townsville, North Queensland, Australia. His mother, Mona Band Austin, is a native of Australia, born on November 14, 1922, and is a citizen of the United States by naturalization on June 12, 1953, at San Luis Obispo, Calif. The beneficiary's father was allegedly one, Charles Key, a soldier in the United States Army who was reportedly killed in a military action in New Guinea during World War II. The beneficiary presently resides at the place of his birth with his maternal grandmother. A petition for the issuance of a fourth preference immigrant visa to the beneficiary was approved by this Service on September 17, 1953.

Mrs. Mona Band Austin has been married once. Her husband is Walter Eugene Austin, a native-born United States citizen. They were married at Townsville, North Queensland, Australia on October 3, 1947. They have two children, Eugene Laurence Austin and Marilyn Margaret Austin who were born in Australia on April 7, 1946 and June 17, 1948 respectively. Mrs. Austin and these two children entered the United States on August 18, 1950 at Honolulu, T. H., and subsequently entered the continental United States on August 21, 1950 at San Francisco, Calif. This family now resides at Shell Beach, Calif.

Walter Eugene Austin was born on March 15, 1915 at New Philadelphia, Ohio. He served in the United States Air Force from December 24, 1942 until January 22. 1946. ap-

proximately 16 months of such service was spent in New Guinea, Netherlands East Indies and Australia. He is now employed by the San Luis Obispo Senior High School and the San Luis Obispo Junior College as a driving instructor. His salary is $4,750 per year. Mrs. Austin is not employed.

In addition, the Director of the Visa Office, Department of State, submitted the following report dated March 3, 1954, to the Committee on the Judiciary of the House of Representatives relating to the case:

DEPARTMENT OF STATE,
Washington, March 3, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. REED: Reference is made to your letter of February 17, 1954, and its enclosures, wherein you request a report of the facts in the case of Lynton John Band, beneficiary of H. R. 7686, 83d Congress, 2d session.

According to the Department's records, the aforementioned young boy is entitled to fourth preference status under the Australian quota as the child born out of wedlock of an American citizen, Mrs. Mona Band Austin. In view of the very heavily oversubscribed condition of the quota, a further considerable period of waiting is likely to ensue before a fourth preference number will become available to cover the issuance of an immigrant visa to the applicant.

At this time, the Department has no information from which it can be ascertained whether the boy in question would be otherwise eligible to receive an immigrant visa under the immigration laws and regulations.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office
(For the Acting Secretary of State).

Congressman Charles M. Teague, the author of the bill, submitted the following letter in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 28, 1955.

Re H. R. 2517, Lynton John Band.
Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN CELLER: I respectfully ask the Committee on the Judiciary to request reports from the appropriate departments immediately on my bill, H. R. 2517, for the relief of Lynton John Band, and that the bill be considered at the earliest practicable date.

Lynton John Band, son of Mrs. Mona Austin of 2491 Santa Clara Street, San Luis Obispo, Calif., was born on November 11, 1943, in Australia. The father of Lynton John Band was an American soldier, Sergeant Key, who was killed in New Guinea before a legal registration of the marriage, which had occurred on November 16, 1942, could be established, according to information which I have, hence the son was eventually registered as illegitimate. Lynton John Band is reportedly living with his grandmother in Townsville, Queensland, Australia.

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Mrs. Mona Austin (Mrs. Walter Eugene Austin) became a citizen of the United States in June 1953, and resides with her husband at 2491 Santa Clara Street, San Luis Obispo, Calif.

It is sincerely hoped that the committee will find justification for favorable action on this bill.

Sincerely yours,

CHARLES M. TEAGUE,
Member of Congress.

H. R. 2953

The beneficiary is a 10-year-old native of Trinidad and subject of Great Britain, who presently resides in Trinidad with her grandmother. Her mother is married to Henry Salvatore Paglione, a United States citizen veteran of our Armed Forces, and she has been admitted to the United States for permanent residence.

A letter, with attached memorandum, dated November 1, 1954, to the then chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to a similar bill then pending for the relief of the same child, reads as follows:

NOVEMBER 1, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9895) for the relief of Judy Anne Marie Burton, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Newark, N. J., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child, pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act by providing that the child shall be considered the natural born alien child of a United States citizen.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM THE IMMIGRATION AND NATURALIZATION SERVICE FILES RE JUDY ANNE MARIE BURTON, BENEFICIARY OF PRIVATE BILL (H. R. 9895), AND SPONSOR, HENRY SALVATORE PAGLIONE

Mr. Henry Salvatore Paglione, sponsor of private bill H. R. 9895, furnished the following information:

Judy Anne Marie Burton is an 8-year-old child, born in Port of Spain, Trinidad, on February 10, 1946. She is a British subject. The child was born out of wedlock to sponsor's wife, Sylvere Paglione, a British subject. The child's mother was admitted to the United States for permanent residence. The father of the child is an unknown former United States soldier who was stationed in Port of Spain, Trinidad. The beneficiary resides with her grandmother, Maria A. Burton, 16 Kew Place, Port of Spain, Trinidad.

Mr. Henry Salvatore Paglione, a United States citizen, was born in Weehawken, N. J., on August 8, 1927. He is married to the beneficiary's mother. This is their only marriage. There are no children of this marriage. The sponsor served with the United States Navy from September 17, 1945, to September 21, 1949. After enlisting in the Naval Reserve he was recalled to active duty on June 13, 1951, and was discharged October 3, 1952. He received an honorable discharge from the United States Naval Reserve on September 20, 1953, at the expiration of his enlistment. He saw foreign duty in Trinidad, British West Indies, from September 13, 1947, to September 8, 1949, and from August 11, 1951, to September 12, 1952. Mr. Paglione has been a member of the Catholic Youth Organization, Holy Family Roman Catholic Church, Union City, N. J., for the past 4 months. He and his wife, the mother of the beneficiary, reside in a five-room apartment at 442 52d Street, West New York, N. J. He is employed by the Castle Furniture Co., North Bergen, N. J., as a truckdriver, earning $72 a week. Mrs. Paglione in the past year has earned $2,000 on various part-time jobs in this area. He has a $3,000 life-insurance policy. He owns a 1952 Chevrolet worth $1,300. Neither Mr. Paglione nor his wife own any other real or personal property. Mr. Paglione has been supporting the beneficiary by sending money to his mother-in-law periodically.

In addition, the Acting Director of the Visa Office, Department of State, submitted the following report dated September 10, 1954, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, September 10, 1954.

Hon. CHAUNCEY W. REED,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. REED: Reference is made to your letter of July 26, 1954, and its enclosures, wherein you request a report of the facts in the case of Judy Anne Marie Burton, beneficiary of H. R. 9895, 83d Congress, 2d session.

A report has been received from the American consulate at Port of Spain, Trinidad, the substance of which is as follows:

Judy Marie Burton who was born in Trinidad is the illegitimate daughter of Mrs. Sylvère A. Burton Paglione and stepdaughter of Mr. Henry Paglione. She is registered on the Trinidad quota waitinglist under date of January 27, 1953, but inasmuch as this quota is heavily oversubscribed, it appears likely that as a nonpreference immigrant this child will experience a waiting period of possibly from 5 to 7 years.

Mr. Paglione desired to adopt his stepdaughter before departing for the United States but was unable to do so as, according to local law, a British child may not be adopted by a person who is not a citizen or subject of Great Britain.

The grandmother of the child called at the consulate recently and stated that because of her ill health, it was becoming increasingly difficult for her to care for the child.

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At this time the Department has no information from which it can be ascertained whether or not the child would be qualified in all respects to receive a visa.

Sincerely yours,

JOSEPH J. CHAPPELL,
Acting Director, Visa Office
(For the Acting Secretary of State).

Congressman T. James Tumulty, the author of the bill, submitted the following letter in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 21, 1956.

Re H. R. 2953.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House Office Building.

DEAR MR. CHAIRMAN: I am writing you in respect to the above-captioned bill which I introduced for the relief of Judy Anne Marie Burton.

Former Congressman Edward J. Hart originally introduced this bill and upon my election to Congress I was asked to reintroduce it, which I did.

From a study of all of the facts presented to me by the attorney handling the child's case, Mr. Abraham Leiberman, of Weehawken, N. J., I am persuaded the bill is worthy of your committee's favorable consideration.

Sincerely yours,

T. JAMES TUMULTY.

H. R. 5993

The beneficiary is a 6-year-old native and citizen of Japan, who presently resides in that country. He was adopted on April 19, 1955, by Augusta Marie Reid, a United States citizen. Mrs. Reid is a widow and has been employed by the United States Army Hospital in Osaka, Japan, since 1951.

A letter, with attached memorandum, dated December 7, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., December 7, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5993) for the relief of William Everett George Reid, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Milwaukee, Wis., office of this Service, which has custody of those files.

The bill is intended to confer nonquota status upon the alien child pursuant to sections 101 (a) (27) (a) and 205 of the Immigration and Nationality Act, by providing that the child shall be considered the natural-born alien child of a United States citizen.

As a quota immigrant the beneficiary would be chargeable to the quota of Japan.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE WILLIAM EVERETT GEORGE REID, BENEFICIARY OF H. R. 5993

Information concerning the case was obtained from Mr. George A. Cease, brother of the beneficiary's adoptive mother.

The beneficiary, William Everett George Reid, was born on January 29, 1950, to a Japanese mother whose identify is unknown. His father is presumed to have been a member of the United States Armed Forces. He was legally adopted by Augusta Marie Reid from a Buddhist orphanage near Osaka, Japan, on April 19, 1955, and resides with her at the United States Army Hospital, Osaka, Japan. The beneficiary has never been in the United States.

Augusta Marie Reid was born at Wausau, Wis., on April 11, 1906. She is a widow and has been employed as a surgical secretary by the United States Army Hospital, Osaka, Japan, since about 1951. She completed high school and business training. Her present earnings are $3,535 per year and she has assets in excess of $20,000.

Mr. Cease has stated that his sister is financially able to provide for the beneficiary's needs if he is permitted to enter the United States.

Congressman Perkins Bass, the author of the bill, submitted the following letters in support of the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 13, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN CELLER: Thank you for your letter of December 9 enclosing departmental report on H. R. 5993, which I introduced for the relief of William Everett George Reid.

For the information of your subcommittee when this bill is under consideration, I am enclosing copies of letters received from Rev. Lewis Davidson, pastor of the Lutheran Church, and Miss Roselyn I. Holte, Lutheran Missionary, of Shimada Shi, character references for Mrs. Augusta Reid, who has adopted William Everett George Reid as her own.

Any effort made to expedite action on H. R. 5993 in the coming session of Congress will be very much appreciated.

Sincerely yours,

PERKINS BASS.

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SHIMADA SHI, JAPAN, *November 21, 1955.*

Hon. PERKINS BASS,
House of Representatives, Washington, D. C.

DEAR MR. BASS: I am writing this letter in regard to the personal bill of Mrs. Augusta Reid for the relief of her adopted mixed-blood child, William Everett George Reid, which you introduced into the House of Representatives on May 3, 1955. Mrs. Reid has become well known to my wife and myself during her time of service with the United States Army here in Japan. We can attest to the fact of her strong interest in these mixed-blood children. She has spent much time and money in helping these unfortunate children. She has helped us in a very real way also. She personally found for us, and helped us to secure the mixed-blood child that we have adopted. Our child entered the United States under the provisions of the Refugee Relief Act of 1953 about 1 year ago. Mrs. Reid is very anxious to return to the United States, but unfortunately she may not use this act which would have permitted her to have returned to the United States with her son long before this time. Because she is very anxious to return to the United States, any assistance that you might be able to give in hastening the passage of her personal bill would be much appreciated by me.

I am a missionary of the Evangelical Lutheran Church here in Japan. As a somewhat permanent resident here, I have had the opportunity of seeing many types of Americans pass through Japan. Some have been good ambassadors of our land, many have not been good ambassadors. But as I think of the Americans that I have met, I can think of none that I believe has exemplified the best virtues of our land better than this fine Christian lady. She is worthy of all the help that any of us may be able to give her.

Very sincerely yours,

LEWIS DAVIDSON,
Pastor, the Evangelical Lutheran Church.

3 CHOME, NAKAGAWA CHO, SHIMADA CITY, SHIZUOKA PREFECTURE, JAPAN

Hon. PERKINS BASS,
Second District, New Hampshire,
Congress of the United States,
House of Representatives, Washington, D. C.

HONORABLE SIR: I am writing to you in behalf of Mrs. Augusta Reid concerning the relief of her adopted mixed-blood child, William Everett George Reid.

I have learned to know Mrs. Reid during her stay in Japan and have witnessed her keen interest in helping these mixed-blood children. She is now very eager to return to the United States and of course to bring with her the above-named adopted child. May I urge your attention to the personal bill of Mrs. Reid for the relief of this child which has been introduced into Congress. I will appreciate all you can do to help in this matter so that Mrs. Reid's return shall not be unnecessarily delayed. Thank you very kindly.

Respectfully yours,

ROSELYN I. HOLTE,
Lutheran Missionary.

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 25, 1956.

Hon. FRANCIS E. WALTER,
Chairman, Subcommittee on Immigration,
House Judiciary Committee, Washington, D. C.

DEAR CONGRESSMAN WALTER: I have received a great many letters from individuals over the country and their respective Senators and Congressmen, who are interested in early action on H. R. 5993, which I introduced in behalf of William Everett George Reid.

Any information from you indicating approximately when this measure can be acted upon by your subcommittee will be very much appreciated by me so that I may pass the information on to my long list of correspondents, who are interested in this measure. The foster mother of the beneficiary has been highly recommended as a woman of exemplary character, who has done a tremendous and effective job in helping these unfortunate mixed-blood refugee children of Japanese-American parentage.

I shall be very grateful for your cooperation and advices.

Sincerely yours,

PERKINS BASS.

OSAKA ARMY HOSPITAL,
8009TH AU,
APO, San Francisco, Calif., September 1, 1955.

Hon. PERKINS BASS,
Second District, New Hampshire,
Congress of the United States,
House of Representatives, Washington, D. C.

HONORABLE SIR: Not having heard further from you since adjournment of Congress I am assuming that nothing further developed since your letter of July 22, 1955, in which you stated the Judiciary Committee was still waiting for some report from a Boston office and the chairman held little hope for passage in view of the short time before adjournment.

I am still at the Osaka Army Hospital in Kanaoka. The latter part of July many civilians and Japanese national personnel working here were given reduction-in-force notices effective August 3, 1955. However, on August 1, 1955, these notices were all canceled and no one was laid off and our hospital is still in operation—on a very small scale. When our CO left on July 30, he stated that he had just received word from higher headquarters that this hospital would remain as is for some time to come and possibly grow larger.

Now I am wondering if there is anything can be done in the meantime and what are the prospects of early passage as soon as Congress reconvenes?

About a week ago I called at the offices of the consulate to see if they had any news or suggestions. As I mentioned previously they will issue a visitor's visa for any length of time that I would be granted reemployment leave, but it also appears that complications might arise if I didn't bring George back here, so I am almost inclined to "stick it out" here until the matter is settled and I can take him back to the States without any strings attached, even if George has to

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spend his first Christmas with me here although we had counted so much on spending it with the folks.

I understand it was a rather rugged summer in Washington, what with the heat, the strikes, and then the long period of rain—I hope you didn't suffer too much and also that your home is not in the floodstricken area in the Northeast.

I would very much appreciate hearing from you what the picture looks like from your end at this time.

Please be assured how much I appreciate your efforts in this matter—I shall never be able to thank you enough. With kind personal regards and good wishes, I remain,

Respectfully yours,

AUGUSTA M. REID
Mrs. Augusta M. Reid.

H. R. 1642

The beneficiary is a 23-year-old native and citizen of Yugoslavia, who presently resides in that country. Her father was naturalized a citizen of the United States in 1955, and her mother was lawfully admitted to the United States for permanent residence on March 17, 1954. The beneficiary's father filed a visa petition for the issuance of a preference quota visa to his daughter, which was approved on May 26, 1953. However, before the Yugoslav Government would issue a passport to her, she had passed the age of 21, and was no longer eligible for a preference quota visa.

A letter, with attached memorandum, dated July 8, 1955, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 8, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 1642) for the relief of Danica Stevoff, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Cleveland, Ohio, office of this Service, which has custody of those files.

The bill would provide that the beneficiary, an adult, be held and considered to be the minor child of Kime Stevoff, a lawful resident of the United States. It intends to confer upon the beneficiary a preference-quota status under sections 203 (a) (3) and 205 of the Immigration and Nationality Act.

The beneficiary is chargeable to the quota for Yugoslavia. It should be noted, however, that her father is now a citizen of the United States. It is accordingly suggested that the committee may wish to amend the bill to read:

"* * * That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Danica Stevoff shall be held

and considered to be the minor child of Kime Stevoff, a citizen of the United States."

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE DANICA STEVOFF, BENEFICIARY OF H. R. 1642

Information relating to the beneficiary has been obtained from her father, Kime Stevoff, 511 Neale Avenue SW., Massillon, Ohio.

The beneficiary, Danica Stevoff, single, native and citizen of Yugoslavia, was born on September 5, 1932. She resides in Yugoslavia with her paternal grandparents, Stevo and Flora Storkoski, and helps them on their farm. The beneficiary attended school for 4 years; has no special skills; no income and no assets.

The beneficiary's father and sponsor, Kime Stevoff, a naturalized citizen of the United States, was born on October 15, 1909, in Yugoslavia, and has two children, the beneficiary and a son, Dushan Stevoff, who was born on December 29, 1935, in Yugoslavia and still resides there. The sponsor married Vesa Popovich, a native of Yugoslavia, in that country on December 15, 1931. This was his only marriage. His wife was lawfully admitted to the United States for permanent residence on March 17, 1954, and now resides with the sponsor.

Mr. Stevoff has been employed as a clerk in a grocery in Massillon, Ohio, since 1941 and earns $60 per week. He has testified that he has about $9,000 in cash and bonds, and household furnishings which he values at $2,000.

Mr. Stevoff was admitted to United States citizenship on May 20, 1955. Prior thereto, a visa petition submitted by him in behalf of the beneficiary was approved on May 26, 1953, but before the Yugoslav Government would issue a passport to her, she had passed the age of 21 and was, therefore, ineligible for the preference-quota visa sought.

Since Mr. Stevoff is now a citizen of the United States, the beneficiary, if held to be his minor child, apparently is eligible to nonquota status under section 101 (a) (27) (A) of the Immigration and Nationality Act, as an immigrant who is the child of a citizen of the United States.

In addition, the Director of the Visa Office, Department of State, submitted the following report dated April 21, 1955, in connection with the case to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE.
Washington, April 21, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of February 24, 1955, and its enclosures, wherein you requested a report of the

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facts in the case of Danica Stevoff, beneficiary of H. R. 1642, 84th Congress, 1st session.

A report has been received by the Department from the American Embassy at Belgrade, Yugoslavia, which reads in part as follows:

"The Embassy's records indicate that a visa petition in favor of Miss Stevoff was filed by her father on May 20, 1953, and that the approved petition was received by the Embassy on June 8, 1953. On June 10, Miss Stevoff was invited to present the documents required by the immigration laws and regulations. At the same time her attention was called to the fact that she would enjoy third preference status only until September 5, 1953, on which date she would reach the age of 21 years. The documents requested by the Embassy were received on July 13, 1953, and according to the data shown on her birth certificate it appeared that Miss Stevoff was born not on September 5, 1932, but on August 23, 1932. She was invited to make formal application for her visa on July 16, and the processing of her visa case was immediately initiated. At that time, however, she was not in possession of a Yugoslav passport and exit visa.

"On August 19, 1953, Mrs. Stevoff informed the Embassy by telegram that she and her daughter had obtained passports. She did not, however, present her passport and the visa fees.

"With respect to Miss Stevoff's statements that she was in possession of the required passport and exit visa 10 days before she reached her majority, it is possible that the discrepancy is due to the difference between the Gregorian and Julian calendars. As stated above, in her application for registration as an intending immigrant, Mrs. Stevoff showed her daughter's birth date as September 5, 1932. The petition executed by her father gives the date September 3, and the birth certificate shows August 23/September 3, 1932. If, as appears possible, the date of her birth according to the Gregorian calendar, is September 3, 1932, there was indeed a delay of 10 days in which to complete the visa formalities, and to permit Miss Stevoff to travel to the United States. However, the processing of Miss Stevoff's case was not completed until August 20, 1953. Since the processing of her case has been predicated upon the assumption that she would reach her majority on August 23, 1953, and since she did not present herself for medical examination when she received her passport, there would not have been time to complete the final formalities, obtain a quota number for Miss Stevoff's use, and allow her to travel to the United States prior to that date."

The Embassy's report concludes in stating that Miss Stevoff is at present registered on the nonpreference waiting list of intending immigrants under the Yugoslav quota as of August 5, 1952, the date of her mother's original registration as a nonpreference immigrant.

As the nonpreference portion of the quota for Yugoslavia is heavily oversubscribed it is anticipated that Miss Stevoff would be required to undergo an indefinite period of waiting before a quota number could be allotted for her use.

The Department has no information at this time from which it could be ascertained whether or not Miss Stevoff is eligible in all respects to receive an immigrant visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Congressman Frank T. Bow, the author of the bill, submitted the following statement in support of the bill:

STATEMENT OF REPRESENTATIVE FRANK T. BOW, 16TH DISTRICT, OHIO, RE H. R. 1642, FOR THE RELIEF OF DANICA STEVOFF

Mr. CHAIRMAN: I have introduced H. R. 1642 for the relief of Danica Stevoff for the purpose of reuniting a family now separated because of a misunderstanding of procedures under our immigration laws.

Danica Stevoff is the daughter of Kime Stevoff, of Massillon, Ohio, with whom I first became acquainted several years ago. At that time he was making preparations to bring his wife and daughter to this country. He encountered various difficulties and by the time the way was clear for his daughter, Danica, to come, she had passed the age limit for eligibility as his daughter. In the meantime her mother, Mrs. Vesa Stevoff, has been admitted to this country. The daughter is left behind with her grandparents.

I know Mr. Stevoff as a hard-working and earnest citizen who is well thought of in his community and who desires to provide a home for his daughter. The reunion of this family has been delayed first because of financial incapacity, then because of war and revolution, and finally because of misunderstanding about her birth date left Danica ineligible for preference. I think it is a worthy measure and I solicit your approval.

H. R. 2326

The beneficiary is a 30-year-old native and citizen of Japan, who presently resides in that country. Her parents are citizens of the United States. The beneficiary has five brothers and sisters, all of whom are native-born citizens of the United States. Inasmuch as the beneficiary is over 21 years of age, she is unable to qualify for a nonquota visa as the minor child of citizens of the United States.

A letter, with attached memorandum, dated January 5, 1956, to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization with reference to the case, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., January 5, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 2326) for the relief of Mitsuko Miyaoka, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service, which has custody of those files.

The bill is intended to confer third preference quota status upon the beneficiary by providing that the provisions of section 203 (a) (3) of the Immigration and Nationality Act shall be applicable to her, and the petition required by section 205 of that act, in order to establish her eligibility for quota immigration status, may be filed by her

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father, Shikataro Miyaoka, notwithstanding the fact that he is a naturalized United States citizen and the beneficiary is over 21 years of age. However, the latest available information indicates that the third preference portion of the quota for Japan, to which the beneficiary is chargeable, is oversubscribed.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MITSUKO MIYAOKA BENEFICIARY OF H. R. 2326

Information concerning this case was obtained from Mr. Tom Tamio Miyaoka, brother of the beneficiary.

Mitsuko Miyaoka, a native and citizen of Japan, was born on September 28, 1925. Her marriage to Kazuo Kobayashi, a Japanese citizen, on October 29, 1946, was subsequently terminated by divorce. One child, born in Japan of that marriage, is now living with her former husband's parents in Japan. The beneficiary resides in Tokyo and has never been in the United States.

The beneficiary apparently has had little or no education and has never been employed. Since divorcing her husband in 1951, she has been supported by her father, who sends her $30 monthly. She has no income or assets. Her parents, Shikataro and Mitsura Miyaoka, are naturalized citizens and reside in Sacramento, Calif. She also has several brothers and sisters, all born in the United States, residing in this country.

Tom Tamio Miyaoka is a citizen of the United States by birth in Seattle, Wash., on November 12, 1926. He is a graduate of the University of Southern California. He presently resides in Los Angeles, Calif., where he is employed by the Prudential Insurance Co. at a monthly salary of about $300. His assets consist of an automobile and real estate of an approximate aggregate value of $7,350. Mr. Miyaoka served in the United States Army from September 1951 to August 1954.

In addition, the Director of the Visa Office, Department of State, submitted the following report dated August 2, 1955, to the Committee on the Judiciary of the House of Representatives:

DEPARTMENT OF STATE,
Washington, August 2, 1955.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of May 27, 1955, and its enclosures, wherein you requested a report of the facts in the case of Miss Mitsuko Miyaoka, beneficiary of H. R. 2326, 84th Congress, 1st session.

There are enclosed two copies of a self-explanatory communication dated June 29, 1955, from the American Embassy at Tokyo, Japan.

As the quota for Japan is oversubscribed, it is anticipated that

Miss Miyaoka would undergo a considerable period of waiting before a number would be allotted for her use.

At the present time there is no information in the Department's files from which it could be ascertained whether or not Miss Miyaoka would be eligible in all respects to receive a visa.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

OPERATIONS MEMORANDUM

JUNE 29, 1955.

To: Department of State.
From: American Embassy, Tokyo.
Subject: Visas: Immigrant case of Mitsuko Miyaoka.
Reference: Department's OMV–208, June 14, 1955.

In response to the Embassy's invitation, Miss Miyaoka called at this office on June 27, 1955. She states that she is divorced and has no children; that she has assumed her maiden name since her divorce; that she has never seen her father who departed for the United States prior to her birth; that her mother departed for the United States in 1925 shortly after her birth; that she was left with her aunts and grandparents in Okayama Prefecture; that she saw her two younger brothers for the first time in 1953 when they came to Japan in the armed service.

There is on file an approved petition dated October 7, 1953, executed by Tom Tomio Miyaoka according Miss Miyaoka fourth preference under the act. Miss Miyaoka's priority date on the waiting list of intending immigrants is August 5, 1952, the date her application for registration was received at Kobe, Japan.

Congressman John E. Moss, the author of the bill, submitted the following letter and statement in support of the bill:

NISEI POST NO. 8985,
VETERANS OF FOREIGN WARS,
Sacramento, Calif., November 24, 1954.

Hon. JOHN E. MOSS,
Federal Building, Sacramento, Calif.

DEAR SIR: I am sending you background information and a copy and translation of the family record of Mitsuko Miyaoka, sister of Tom Miyaoka, our post member, for whom you had kindly agreed to introduce a private bill in order to enable her to enter this country when Frank Yoshimura, our post commander and I previously discussed this matter with you.

If there is any further information that you desire, will you please contact me at the address below.

Yours very truly,

T. D. ITANO, *Legislative Officer.*

Shikataro Miyaoka, who is the father of Mitsuko Miyaoka, came to this country in 1907 and worked in Nevada and California for a while. In April 1919, he went back to Japan and married his present wife,

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Mitsuru, the mother of Mitsuko, and returned to the United States in September of the same year. His wife followed him in December.

Their first child Tomiko was born on December 3, 1920, in Seattle, Wash., and she is presently residing in Sacramento, Calif.

In July 1925, the Miyaoka's went back to Japan for a visit and Mitsuko was born on September 28, 1929, in Okayama, Japan. The parents left Tomiko and Mitsuko with Mr. Miyaoka's parents in Japan because of financial reasons and came back to this country in December 1925. In 1930 when they finally felt that they were financially able to do so, they called Tomiko over to the United States which they were able to do since Tomiko was a citizen of the United States. However, Mitsuko was not able to come inasmuch as she was a Japanese national. She has never been able to come to the United States to this date.

The other children of the Miyaoka's are as follows:

Tom Tamio Miyaoka, born in Seattle, Wash., on November 12, 1926. Enlisted in the United States Army on September 5, 1951, and was separated from the service on September 4, 1954. He served 14 months in the Far East, including about 6 months in Korea. He is now attending school in Los Angeles under the GI bill.

Masashi Miyaoka, born at Seattle, Wash., on January 4, 1932. Enlisted in the United States Navy in October 1953, and is presently serving overseas.

Miyoko Miyaoka, born at Seattle, Wash., on May 9, 1934. Presently employed by the State of California and residing in Sacramento, Calif.

Yoshiko Miyaoka, born at Seattle, Wash., November 12, 1937, and presently attending Grant Union High School in North Sacramento, Calif.

On or about July 1953, Tom petitioned for issuance of an immigration visa for his sister, Mitsuko. In October 1953, she was notified that the petition had been approved and that she had been classified in class 4 priority. She submitted this letter to the American Consul in Japan and has been unable to obtain a copy of this letter. On the basis of the quota of 185 for Japan, it will be years before she will be eligible for entry into the United States.

Mitsuko Miyaoka's present address is Araijiku, Ota-ku, Tokyo, Japan.

The Miyaoka's home address is Route 3, Box 140, Sacramento, Calif.

[Translation]

Domicile: No. 2 of 2175, Imatsu, Tsugawa-machi, Takahashi City, Okayamaken, Japan.

Previous head of family: Sutenoshin Miyaoka.

Head of family: Shikataro Miyaoka. Relation with the previous head of family: Eldest son. Father, Sutenoshin Miyaoka and mother, Tora Miyaoka. Birth date, February 5, 1886.

On May 1, 1954, the name of the place of the domicile was changed from Tsugawa-son, Jubogun to Tsugawa-machi, Takahashi City.

Mitsuko: Father, Shikataro, Miyaoka and mother, Mitsuru.

Birth date, September 28, 1925.

Was born at the domicile on September 28, 1925. The birth was registered by the father, Shikataro Miyaoka on October 10.

Divorced from husband Kazuo Kobayashi by mutual consent was reported to the head of the village of Gonai-son, Kojima-gun on October 22, 1951, and she was returned to her original family on the 26th of the same month.

I hereby certify that the above is an exact copy of the original family record.

September 28, 1954.

[SEAL] TEIICHI KASHIWAGI,
Mayor of Takahashi City, Okayama-ken.

The committee, after consideration of all the facts in each case included in the joint resolution, is of the opinion that the joint resolution (H. J. Res. 533), as amended, should be enacted.

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